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THE TRUE PARTICULARS

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AWFUL DEATH

OF

MR. R. CORRIGAN,

FARMER IN ST. SYLVESTER,

AT THE CATTLE SHOW HELD OCTOBER 17, 1855,

AS REVEALED AT THE TRIAL OF

Richard Kelly, Francis Donaghue, Patrick Donaghue,
George Monaghan, Patrick O'Neill, John
McCaffrey, and George Bannon,

CHARGED WITH THE CRIME OF MURDER

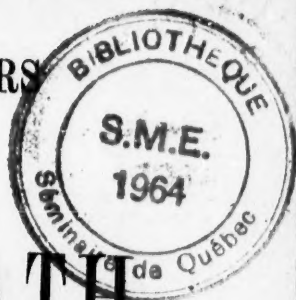
BEFORE THE COURT OF QUEEN'S BENCH, QUEBEC.

Rev. J. L. L.

QUEBEC:

PRINTED BY R. MIDDLETON, SAULT-AU-MATELOT STREET AND
OF MOUNTAIN HILL.

1856.



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THE DEATH OF ROBERT CORRIGAN.

A TRAGEDY IN FOUR ACTS.

"All is dust; 'tis part of thy eternity and mine.
* * * Here, of the race of Adam, all must eat,
drink, toil, tremble, laugh, weep, sleep, and die. * *
Who or what hath done this deed? Speak, Cain, since
thou wert present; was it some hostile angel, who walks
not with Jehovah? or some wild beast of the forest? * *
Ah! a kind of light breaks through, as from a thunder-
cloud! Yon brand massy and bloody."

THERE is something in a deed of blood so terrible that, in every country pretending to civilisation, the murderer is loathed. The serpent's eternal curse sits on him. If he lives, all his days are desolate. The wings of fiery cherubim pursue him by day and night—snakes spring up in his path—earth's fruits are ashes in his mouth—the leaves on which he lays his head to sleep are strewn with scorpions—his dreams are of his victim—and his waking a continual dread of death. Murderer! who shall not abhor thee! May the grass wither from thy feet! the woods deny thee shelter! earth a home! the dust a grave! the sun his light! and heaven her God! Cain, get thee forth: we dwell no more together. Depart! and leave the dead to me—we never must meet more. * * * "I must watch my husband's corse." Late in October last, in the parish of St. Sylvester, in the Eastern Townships of Lower Canada, a cattle show or fair was held. There were present hundreds of farmers with their flocks and herds. Abels and Cains came to one field; the good and bad mingled together. The day was fine. The sun shone out brightly. Nature was calm. There was nothing in nature's loveliness to indicate catastrophe. Lucifer, however,

had been busy. "You have forgotten," said the spirit, "the denunciation which drove your race from Eden—war with all things, and death to all things, and disease to all things, and pangs and bitterness: these were the fruits of the forbid 'en tree." The hint was sufficient. A devilish passion, which had only lain dormant for a time, was soon aroused. In the field, where were the flocks of sheep and herds of cattle, there was a man who had rendered himself particularly obnoxious to a class, not on account of evil deeds, but because he had changed his original creed. He was one of the judges at the fair. Robert Corrigan, a Protestant episcopalian, once a Romanist, a powerfully-built man, spirited, self-reliant, honest and fearless, was judging the sheep. A meeting of men of a stamp of character so indifferent that one of their own friends could not trust himself to speak of it, was held. It was a ribbon meeting. At that meeting a plot was concocted, signals were arranged, Corrigan was to be treacherously assaulted, and then his assailants were to carry him out of the crowd, mangled and maimed—an example and a warning to such as dared to think and act for themselves. The priest of the parish was not at the meeting. He was not at the fair. He did not even know of the contemplated assault. He would have bowed down at the altar, if he had been aware of it, and have prayed at least that Corrigan's life might be spared. Nay, the good and holy man even came to the trial of Corrigan's murderers to eye the judges and see justice done. But, if his reverence the priest of the parish was not present, there was present at the preliminary meeting of Red-Crossmen a farm-servant, who could not be suspected of espionage, inasmuch as he was a Canadian and a Roman Catholic, and his mother tongue was French. That poor man, who, by the way, was not so ignorant of English as not to understand the meaning of words in that tongue, listened. It was arranged by the ten or twelve persons present at the barn that one McCaffrey should object to Corrigan's judgment with regard to the sheep, as he had two to be adjudicated upon, and might do so with safety; that one Fattrick Donaghue should, during a probable altercation, slip behind Corrigan

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and fell him to the earth with a blow from a heavy stick ; that, on this being done, a whistle would be given to inform others of the party ; and that then all the conspirators would set upon one man and beat him till he was immovable. The cowardly conspirators were true to each other. Let us name them. They were Richard Kelly, John McCaffrey, Patrick O'Neill, Patrick Donaghue, Francis Donaghue, Edward Donaghue, Patrick Monaghan, George Bannon, the two Hopkins, and James Hagan. McCaffrey soon afterwards walked to the spot where the sheep were being judged, and objected to the award made to him. Patrick Donaghue was in readiness to do his allotted part. Corrigan stooped down to wipe his hands upon the sheep, carelessly remarking that as his judgment was unsatisfactory he would judge no more, when Patrick Donaghue, seizing this opportunity, struck him on the back of the head with a bludgeon. Corrigan reeled but did not fall. The crowd rushed in and threw him down. When down, George Bannon kicked vigorously at the fallen man. For a moment or two Corrigan lay as if he were dead. He made an effort to rise, but Kelly knocked Corrigan down with his clenched fist, and while he was prostrate, leaped upon his body ; and to make his own weight felt, to make a lasting impression upon Corrigan, hopped upon his bowels. Kelly had not yet done enough. He came off Corrigan's body, stepped back a single pace, and gave one firm, telling kick upon Corrigan's ribs. The kick roused the sufferer from his comatoseness. The words—"I am murdered," were distinctly heard by the surrounding crowd, and the fiends yelled frantically. Corrigan rolled over on his side, and then attempted to rise. He seemed to be lifting himself up on his hands, face downwards, when an old yellow-faced man, with grey hairs ! stepped up and struck Corrigan with a heavy stick, using all his might. Again Corrigan was crushed. The blow made him wriggle. It was a delightful scene. Only Mrs. Woodward ventured to exclaim :—"My God, my God, murder, is there no one to save the man." There was no one. Peter Stockings had already made the attempt, and Patrick O'Neill

had rewarded him with a blow from his bludgeon. Stockings' brother and his brother-in-law were taking him home. How Mrs. Woodward escaped the reward due to her from such a pack of pious scoundrels, it is difficult to divine. Perhaps it was because Richard Kelly began to perceive that Corrigan was finished, and to save appearances it would be well to get him into some quiet place. That exemplary young man, who is said to be the father of a large family, lifted up his victim, with the assistance of Mr. Terence Burns, Mr. Robert Simpson, and a lad named James McKee, and trailed him away.

The second scene in this interesting tragedy is also very interesting. Kelly is represented as having gone to Machell's to dine with the President of the Agricultural Society. Probably he had a little brandy to prevent a too sudden reaction of the nervous system. There were at Machell's quite a number of the distinguished combatants. Some of them became "merry with wine." Francis Donaghue was jumping up and calling out for a particular description of Protestants; because already his hands were reeking with Protestant blood, and he had no desire to wash them at that moment. Kelly, however, suggested, with astonishing magnanimity, that enough had been done for that day, and Donaghue having replied, "We'll obey *your* orders," the crowd went away. Let us follow poor Corrigan, whose bowels had been burst, and who is now impressed with the idea that he must die. He rests for a moment upon some pine logs; the blood pours down his face; he is scarcely yet conscious enough to feel much pain; he is lifted up and trailed for a short distance between two friends, who hold him up under their arms, to the house of Andrew McKee, blacksmith. There his clothing is changed; his wounds dressed, and he, at last, is laid upon a bed. Inflammation sets in. The abdomen of the injured man swells up. His tongue is parched.—There is a cry for "water," "water," "water." There is yet in him hope, not of life, but of being able to reach home to die. The morrow comes, and with it increased suffering. There is now no hope even of being able to go home.—To a Mrs. Montgomery the sufferer says, "I will never

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pass your house again, nor see my poor children." The physician, the clergyman, and the magistrate come. Preparations are made for death. The physician is without hope, the clergyman points to hope in heaven, and the magistrate intimates a hope that justice may be done on earth. Corrigan's wife comes to the bedside of her husband, who is praying for his murderers, for her whom best he loved, and for his children. Death comes at last, and just before he plunges in his sting, Corrigan's voice is heard saying, "Kelly is my murderer." Then comes the inquest, and the curtain falls upon the second act of this horrible drama.

The third act opens with a proclamation by the government offering £100 each for the arrest of the murderers. The police are sent to St. Sylvester ; there are armings at Leeds among the orangemen ; there are moral upheavings throughout the country ; the police return without having accomplished their object ; they are followed by the military, who are equally unsuccessful. On their return the railway cars are thrown off the track : arrests of persons supposed to have wilfully caused the accident are made. Canada, east and west, is fearfully excited, and while the government looks on, the murderers, assured by counsel, learned in the law, that nothing will come of it to their disadvantage, render themselves to the gaoler of Quebec.

The fourth and last act of the tragedy, like the best of, indeed like all Shakespeare's historical tragedies, has a touch of comedy in it. Seven prisoners are placed in the dock. They are not badly dressed, nor very murderously looking villains. There is a quiet air of respectability about McCaffery ; a downcast, suspicious look about Patrick Donaghue, who occasionally exchanges a furtive look at his smiling fellows—a man may smile and smile, and be a villain ; a reckless don't care look about George Bannon ; a defiant, abandoned look about Kelly ; a ruffianly piratical look about O'Neill ; a treacherously assassin-like look about Monaghan ; and a cadaverous, doubting look about the others. The room is filled with people. On the bench are two Judges ; one not at home

with the judicial ermine on his shoulders, and evidently sighing to be off the quarter-deck once more to rollick, as was his wont, in the fore-castle. He is primed with jokes. He is, indeed, to the court like the grave-digger to Hamlet. He takes up a skull to dandle it and laugh. The other is a mere politician ; a man of the world, and a Judge by accident. The crown business is to be conducted by the Solicitor General, a member of parliament ; the defence by an ex-cabinet minister, two members of parliament, and, as rumour hath it, by a parliamentary aspirant. There are reporters, jury men, and four-and-twenty, not blackbirds, but doctors, all in a row. There are constables-in-chief and sub-constables of a kidney.—The doors are all closed and some half-hundred of witnesses turned out of court. The trial begins ; day succeeds day ; the evidence is startlingly conclusive ; the bench jokes ; the bar jokes ; the constables joke ; the witnesses are made to joke ; the witnesses and the counsel for the prisoner joke ; the publication of the evidence is interdicted, and that is a joke ; reporters are threatened with imprisonment, and that is a joke ; a juryman runs off to dinner, and that is a joke ; a new jury—the same old jury—is re-sworn, and that, of course, is a joke ; sixteen or seventeen days pass over, and £5000 are spent, and that is no joke. The prisoners are at length **PROVED** to be “**NOT GUILTY**,” after a peculiarly Scotch fashion, dictated, in a joke, of course, by Mr. Justice Duval ; and then the streets of Quebec are paraded with flags and banners ; our noble lawyers are serenaded ; our independent judges are cheered ; and, and ——— Widow Corrigan nestles her orphans to her bosom, and gives vent to her grief. Thus drops the curtain, and the tragedy of “Robert Corrigan” is finished. Ye ! who can sympathise with misfortune read this pamphlet, which has been got up to draw attention to the case of **WIDOW CORRIGAN**.

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ST. SYLVESTER MURDER.

COURT OF QUEEN'S BENCH,

QUEBEC, 31st JANUARY, 1856.

PRESENT :

The Hons. Messrs. JUSTICES DUVAL and CARON.

CROWN PROSECUTOR :

MR. SOLICITOR GENERAL ROSS.

COUNSEL FOR THE DEFENCE :

CHAS. ALLEYN, M.P.P., for Patrick Donaghue and Monaghan.

JOHN O'FARRELL, M.P.P., for Richard Kelly and Geo. Bannon.

ANDREW STUART, Esq., for Francis O'Neil and Francis Donaghue.

The Hon. JEAN CHABOT for Jno. McCaffrey.

Richard Kelly, Francis Donaghue, Patrick Donaghue, George Monahan, P. O'Neill, John McCaffrey, and George Bannon, being placed in the dock, the indictment charging them with the murder of Robert Corrigan, at St. Sylvester, on the 17th October, 1855, was read.

The names of the Jurors were then called and quite a number challenged.

John Paul, Michael Hanley, Jas. Finnigan, Thomas Burns, L. Belanger, Thos. Bouchard, Vital Beaupre, Ol. Gauvreau, Patrick Redmond, Thos. O'Donoghue, Andrew Clark, and Archd. McDonald, were ultimately sworn and accepted as the Jury.

Mr. O'FARRELL.—There are two medical gentlemen in Court who are to give evidence in this cause. May I be permitted to request that, when the medical testimony begins, those members of the medical profession to be examined, and not giving evidence, will be required to leave the Court?

The COURT.—Certainly.

The names of the witnesses being called, all who had been summoned to attend did not appear.

Mr. O'FARRELL.—An important witness, may it please the Court, has made default. He is an important witness for the defence, and may have been purposely sent out of the way. Andrew McKee, senior, is not here.

Mr. SOLICITOR.—I have sent for him a distance of 200 miles.

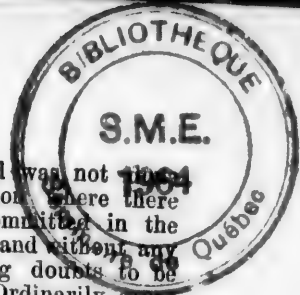
Mr. O'FARRELL.—That is a mistake. It was for his son. I move for an attachment against him. Another and very important witness is absent, the lady who compounded the medicine for Corrigan. I am very sorry, but I must move for an attachment against Mrs. King, wife of the Rev. Mr. King. She wanted the nice little sum of \$20 before she would move out of her house. Oh! Mr. King is in court. Perhaps the lady has changed her mind

CROWN CASE.

Mr. SOLICITOR.—May it please the Court.

GENTLEMEN OF THE JURY.—The indictment which you have just heard read shows the crime with which the prisoners at the bar are charged. The crime is one of the most atrocious that can be committed, legally or morally considered. Every good man shudders at the very idea of murder. It is a crime never committed without some motive. The common incentive to it is robbery or revenge—to rob a neighbour or to revenge an insult. Sometimes, as the result of a quarrel, undue advantage is taken and foul means resorted to. The proof necessary to establish the crime of murder is extremely difficult to obtain. The fact of a homicide having been committed is sometimes the sole evidence. Murder is rarely perpetrated in the open day. Generally it is committed in the dark, or at all events, in secret, and the evidence in proof of murder must necessarily be circumstantial. This kind of evidence, oftentimes the strongest of all evidence, does not exclude the possibility of evidence being given which may turn out to have been false, or false as regards the accused. In the present case, gentlemen, you will not be troubled with any doubts of this kind. The crime of

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which the prisoners at the bar are charged was not in the dark—was not perpetrated in a dungeon where there was no eye to witness it. This murder was committed in the broad face of day before a number of spectators, and without any provocation. There were none of those harassing doubts to be encountered, which ordinarily beset the juror. Ordinarily, great precautions are necessary in making a statement of facts when opening a case, as witnesses are apt to vary in their statements. In this case I need neither to be timid nor squeamish. A foul, an atrocious, a fearful murder has been committed which has caused the greatest excitement throughout the country, rendering your responsibility, gentlemen of the jury, the greater. It has been said that the laws cannot be enforced in Canada. Why in a country like this should the enforcement of the law be an impossibility? Why should every man, or any man be ever quarrelling with his neighbour? There is no squalid poverty here, but on the contrary, there is the opportunity afforded of obtaining a livelihood in peace with the whole world. Such a condition of things is of a nature to prevent a man from degrading himself from the image of God to the condition of the brutes. In this country, we are all christians and bound by the tenets of christianity not to quarrel with any man on account of his creed or on account of his colour. Looking at the disturbed state of the country, it is not too much to say that the whole eyes of the province are upon you, because it is your duty to say whether the prisoners at the bar, or any one or more of them, are guilty of the crime of having murdered Robert Corrigan. There are two parties in the province waiting with anxiety for a verdict. There is the party of order, who look to you to show to the country that the terrible crime of murder is not to be committed with impunity; and there is another party, and I hope a very small one—some persons who look for acquittal—who expect a verdict in favour of the accused in the teeth of the clearest inculpatory evidence. For the honor of the country such a party as the last named should not have their expectations gratified. I will state the circumstances of the case as they have reached me. I know not a single one of the jury, but I trust that a verdict may be rendered which will defy any one to find fault with it. On the 17th of last October there was an agricultural show at St. Sylvester. Robert Corrigan was selected as one of the judges. Corrigan is not now on the land of the living, and it is into the cause of his death that you are to enquire. He was murdered. There was a preconcerted plan to kill him. He was struck, knocked down, beaten and kicked. A brave man, Peter Stockton, who went to the assistance of Corrigan, was assaulted and severely beaten, only because he attempted to save a fellow creature. Corrigan had partially risen from the ground, when he was a second time assaulted, and one of the prisoners at the bar jumped upon his belly. From the effects

of that injury he never recovered. There were many persons striking and kicking at Corrigan. Some, who could not get properly at him to strike, kicked him from between the feet of the others. There was that full determination of purpose in the assault on Corrigan which marks the nature of the crime intended to be committed, and there is no man, who has a spark of feeling in his breast, who will not characterise the death of Corrigan as murder. It signifies little, however, what name I may give to the foul transaction. There will be evidence on oath to guide you. There will be evidence of a preconcerted plan. Speaking of Stockton, the prisoners said: "We have already finished one man, he shall share the same fate"—evidence sufficient of a criminal intention. There were other facts to show the correctness of this presumption. There was the dying declaration of Corrigan. The law receives such declarations with greater consideration than sworn testimony. Persons even on oath have been known to swear falsely, or to colour their evidence in such a manner as to produce erroneous inferences. The law presumes that at the last moment a man has no inducement on earth not to state the truth, and, therefore, attaches the highest importance to death-bed testimony. In his dying hour Corrigan called this thing by its right name, a foul murder. I have not named any of the parties guilty of it, nor even the brute who had jumped upon Corrigan's belly. Against these men the Coroner's Jury has rendered a verdict in the first instance, and the Grand Jury in the second. It is for you now, gentlemen of the jury, discarding from your minds every previous impression, to watch the evidence with the utmost attention, and to render a verdict accordingly. If the evidence is weak or doubtful, you know your duty, and in such case every honest man will desire to see you acquit the prisoners. You must be convinced, but, being convinced, no way is open to you, as honest men, but to give effect to your convictions. Great heed must be given to the persons giving evidence, and to the manner in which they give it. It will be easy to discover whether or no a witness is relating a straightforward story. For the honor of the country I trust a verdict will be returned in accordance with your convictions. Why should Canada, I repeat, be the only place where murder goes unpunished? For a less crime, three men of the highest rank in England were lately sentenced to fourteen years transportation by a Judge who had dined at the same table with one of the convicts. Are juries here not to do their duty as inflexibly as juries do in England? In England juries are never tampered with, and I hope that juries in Canada will also not suffer themselves to be tampered with. These men, Paul, Strahan & Bates had means, and yet could not employ it to save themselves. Juries have been looked upon as the bulwarks of our liberties, and no question of politics or religion, either, should be suffered to take such a protection to liberty away. There will be an end to true liberty if the jury

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box becomes a delusion, a mockery and a snare. Yet it has been said that if a prisoner has only one friend in the box, he may rely on an acquittal. This notion, baneful as it is, was beginning to gain ground. I hope it is unfounded. When that monitor which is within the breast of every man regains its sway—resumed its dominion—a man will submit to be hooted and mobbed in the streets sooner than render a verdict in opposition to the evidence. The judges will tell the jury what the law is. You will have a large audience. The press will lay before the whole province the evidence in this case, and the public will judge of the honesty of your verdict.

Mr. Ross sat down

Court.—Call the first witness.

JAMES MCKEE (Blacksmith) sworn.

By Mr. Ross.—Know Richard Kelly and Francis Donaghue. Do not know the others. Knew late Robert Corrigan lived in parish of St. Sylvester. Saw Corrigan last alive in his father's house. Corrigan died there in witness' arms. Thinks it was on 19th October last that he died. After his death there was an examination by Coroner Panet, at which witness was present. Before the inquest he took the body from St. Sylvester to Leeds. A Coroner's inquest was held over the body there. Witness and one William Grinnis was present at the *post mortem* examination. Corrigan was ill from Wednesday to Friday evening. Witness was told by Corrigan that his illness was caused by a beating which he received at the cattle show on the 17th October, 1855.

Mr. O'Farrell objected to witness stating what he had been told, and the Court sustained the objection.

By Mr. Ross.—Corrigan walked to my father's house along with my brother. It was then that he stated to me that he had been beaten at the cattle show. This took place between twelve and one o'clock on the day of the 17th October. Corrigan after that stated to witness the cause of his illness between 6 and 7 in the evening of the same day—Corrigan being in bed at witness' father's, and in great pain.

Mr. O'Farrell.—The prosecutor has no right to ask the witness as to Corrigan's condition.

The witness was sent out of Court.

Mr. O'Farrell.—It is a vicious principle to allow Crown officers to prove the condition of the injured party by hearsay evidence. The first thing to be proved is, that he was in a dying state.

THE COURT.—All the medical testimony in the world would not be sufficient to get at a dying declaration: unless the man himself had a sense of the approach of death, a declaration would be of no value as a dying declaration. The question was a proper one.

The witness was again put into the box.

By Mr. Ross.—Corrigan said that some part of his inside was broken. He said that he would never get the better of it; and

when asked by witness if the Doctor should be sent for, said—no, not that night. Before that Corrigan said, it is impossible for me to get over it, witness asked Corrigan if anything could be done to relieve his pain, and Corrigan said it was of no use. Deceased told witness to send for goose grease and turpentine, and then turned over on his left side, appearing to be in great pain. About one or two hours afterwards he said that he knew he would not get better. Corrigan said something about his family, but witness did not know what it was. There were several persons in the room—a Mr. Carpenter, witness' mother, and one or two others. Whenever Corrigan spoke about his condition, he always said that he was very bad and would not recover.

MR. ROSS.—Having put a supposed leading question, the witness was again ordered out of Court.

MR. ROSS.—Wanted to obtain from witness whether or not the deceased named a certain party as the cause of his illness.

THE COURT.—Even if a dying man said that it was his impression that he had received a mortal wound, that was not enough to constitute a dying declaration. The dying man must have a sense of immediate dissolution, and that he was immediately about to appear before his maker.

MR. ROSS.—We are agreed upon that point, may it please the Court, but in order to know his state of mind it is necessary to know what he said.

THE COURT.—it is impossible to believe that a man who had refused to send for the Doctor had an impression of immediate dissolution. If a man had any hope of recovery he could not make a dying declaration.

MR. ROSS.—The impression was that the man believed that he would be dead before the following morning.

THE COURT.—The question to be put to the witness is this :—Say all that the deceased said to you.

The witness again entered the box.

BY THE COURT.—Do not remember anything else that Corrigan said about his condition and do not exactly remember when Corrigan last spoke about it. Corrigan said it was of no use sending for the Doctor—no use that evening. He said that, perhaps, he would be able to ride home in the morning.

MR. PACQUET,—one of the witnesses,—the whole of the witnesses having been sent out of Court, the medical witnesses excepted—was called in and cautioned to tell the other witnesses not to speak with each other about the evidence which they were to give to the Court.

The examination of McKee continued.

BY MR. ROSS.—Does not remember much of Corrigan's conversation on this day, at all. About noon his wife came, Corrigan said to her what he had all along said, that he would not recover.

A JUROR.—Did he not say that he expected to ride home in the morning?

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Mr. ROSS.—Asked permission of the Court to set the witness aside. He had been examined by mistake for a witness of the same name.

Assented to.

EDWARD MCKEE (farmer) sworn.—Lived formerly at St. Sylvester, but now resided at Coventry. Did not know before October last any one of the prisoners except Richard Kelly. On the 16th of October last, the people at the cattle show told him the names of ten of the prisoners. There was a fight at the show. One of the names told to him was George Bannon, and the other was that of a person not in the box, Hagan. He could hardly recognize Bannon. He was, he thought, the young man the second from the right hand man in the dock. The cattle show took place on the 16th October last. The exhibition only lasted one day. On the second day there was a ploughing match. Witness was then living with his father at St. Sylvester—Andrew McKee. There was a fight at the show. The show was on Mr. Machell's farm. Witness was away from the ground, when the fight began, among the cattle. The sheep were on one side of the field and the cattle on the other. He was among the cattle when he saw a "muss"—a lot of people gathered together and a man knocked down. Witness ran towards the crowd and saw that it was Peter Stockton, and that they had been "after" beating Robert Corrigan. He saw Robert Corrigan getting up from the ground. There was blood on his face. At that moment Kelly, the prisoner, turned round and said—"Corrigan, did you throw a stone?" Corrigan turned round and said—"I threw no stone." Kelly replied—"You did throw a stone," and then drew his fist and struck him. When struck, Corrigan was standing up. Kelly knocked Corrigan down and then jumped upon him.

Mr. ROSS.—He leaped upon his abdomen with his feet?

WITNESS.—Yes he leaped upon his *abdomen*. Corrigan, when knocked down by Kelly, lay on his back, and was in that position when Kelly jumped upon him. By the word *abdomen* witness meant belly. Corrigan did not speak. Hagan struck Corrigan across the ribs with a stick. After jumping upon Corrigan, Kelly kicked him on the side. Only saw Kelly kick Corrigan once. Some persons whom witness did not recognize rushed in and drew Corrigan out of the crowd. He laid hold of Corrigan by the arm and was helped by Robert Simpson and others. Deceased did not want to go, and said he would die on the ground. They wanted to bring Corrigan to Mr. John Machell's house. Corrigan said he would not go; they had killed him and he would die on the ground. The prisoner, Kelly, laid hold of him and said he should go home, and be damned to him. Kelly pushed him along. There were about 50 persons round Corrigan while he was down. When Corrigan was down, Peter Stockton ran to assist him and was knocked down. About an hour afterwards he made an observation about the kick which he had received in the belly. Corrigan was

not able to walk when first taken out of the crowd. His head was bleeding terribly. Witness helped them to take Corrigan to the pine logs on Machell's farm, where he sat down, when Kelly said he deserved all he had got. Whilst deceased was sitting on the logs, I saw the crowd follow Stockton to Machell's house. Some of the crowd had large sticks of hard wood, maple and beech. I suppose the sticks were green; they appeared newly cut.

(It being now nearly 2 o'clock, the Court adjourned for twenty minutes, and the Jury retired in the care of constables, sworn to keep them together. After the recess, the Jury returned into Court, and upon the panel being called over, it was ascertained that James Finnigan, one of the Jurors, was absent. It was stated that he had gone to dinner at his residence, during the adjournment, and had not yet come back.)

MR. JUSTICE DUVAL.—This is most unfortunate: the jury having separated, and being now incomplete, must be discharged, and we shall have to commence the trial *de novo*.

The jury was accordingly discharged, and the case was postponed till to-morrow (Friday.)

The juror Finnigan shortly afterwards came into Court, and stated that he had acted as he did through ignorance of the law. He said he merely left to go to his dinner.

JUDGE DUVAL.—If you claim to exercise the rights of citizenship, you must be prepared to undertake all its duties. You were sworn to try this case; it was an indulgence in the Court to have permitted you to leave the box, and you should not have abused that indulgence to minister to your own convenience. You must appear here to-morrow morning; and if you do not, a warrant will be issued to compel you.

HIS HONOR then censured the officers to whom the keeping of the jury had been entrusted, for their negligence, and ordered their dismissal. He complained of the immediate want of organization which existed in respect of persons employed to attend to this and similar duties about the Court. The constables, so called, did not attend to their business. If the Solicitor General would confer with him in chambers, measures might be adopted to secure the preservation of better order in the Court, and other requisite improvements on the present system.

The Court then adjourned.

QUEBEC, 1st Feb., 1856.

PRESENT :—Messrs. JUSTICES DUVAL and CARON.

The jury having been placed in the box, Mr. Justice Duval addressed Finnigan, the juror who, having gone to dinner yesterday, interrupted the business of the court. He believed that

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tricks were being played, and to prevent their future occurrence the Court fined Mr. Finnigan £5.

MR. FINNIGAN.—I did it in ignorance of the law. Thank your honor.

MR. O'FARRELL.—As yesterday's proceedings are a nullity, the Clerk of the Crown should begin at the top of the panel.

COURT.—The law requires that the roll shall be called from the name of the juror last sworn.

Victor Beaupre, Thomas Burns, Ls. Belanger, Michael Hanley, Charles Tanguay, James Finnigan, Thomas Bouchard, Patrick Redmond, Thomas O'Donoghue, Andrew Clarke, and Archibald McDonald, went into the box.

The Solicitor General challenged Gauvreau, and Mr. O'Farrell insisted that he should show cause for so doing, as they were not at the end of the panel and only eleven jurors had been accepted.

THE SOLICITOR GENERAL.—He took up the defence of Finnigan, who had been fined, and the whole course of Mr. Gauvreau's proceedings in court were sufficient to justify his challenge.

COURT.—The mode of trying a challenge lies with the court. The cause of challenge is the language addressed to the Court. Gauvreau's language and tone of voice were unbecoming; but he may be a very honest man for all that. Every good citizen should see the necessity of respecting the Court. Gauvreau said that Finnigan had as much right to retire as the court had. The Court retired for the sake of the jury. But, however that may be, the challenge was not sufficient.

Gauvreau was placed in the box.

MR. ROSS.—It is a very singular coincidence that the same jurors are again to try this cause.

THE COURT.—As 20 persons could be peremptorily challenged, nothing else was to have been expected.

The jury were then sworn.

The indictment was again read.

MR. SOLICITOR GENERAL ROSS addressed the jury. He said that they appeared precisely in the same manner as if they had never heard of the case before, and must ignore from their memories all that they had heard "yesterday." He hoped that it would appear to all that they again entered the jury box entirely divested of prejudice; that they had assumed the responsibility of determining the guilt or innocence of the accused; that they knew the consequence of a violation of their oaths; that while it was pardonable in a prisoner who knew himself to be guilty to plead not guilty, there could be no excuse for a juror to violate his oath. He then ran over the same grounds as he did in his previous address, but not at so great length.

EDWARD MCKEE, farmer, sworn.—Witness lived at his father's house, at St. Sylvester, until November last. Believed the prisoner on Kelly's right hand to be George Bannon. Knew Robert Corrigan. He was a farmer at St. Margaret's, in the parish of St. Sylvester. Witness saw Corrigan last on the 19th of October,

1855, before he died. He died in my father's house in St. Sylvester about 7 o'clock in the evening of the 19th of October. Witness' father's name is Andrew. Had not seen Bannon since 17th of October last. Saw him in Court yesterday. Witness did not observe how Bannon was dressed. Witness saw Corrigan on 17th of October in good health. He saw him in Mr. John Machell's house. There was a cattle show there, held on Machell's farm. Witness saw Corrigan getting a great beating. Witness was standing among the cattle. The sheep were in an opposite side of the field. Witness saw a lot of people gathered and a man knocked down. Witness ran towards the crowd. The man knocked down was Peter Stockton. Witness saw another man, whom the crowd had been beating, getting up from the ground. That man was Robert Corrigan. The prisoner Kelly turned round and asked him if he threw a stone. Corrigan answered—"I threw no stone." Kelly said that Corrigan did throw a stone, drew his fist and knocked him down. Kelly then sprang upon his abdomen with his two feet. Witness understood "belly" by the word "abdomen." Kelly then stepped back and gave Corrigan a kick in the ribs. After that witness saw a man whom he was told was George Bannon give him a kick in the privates. Does not see him among the prisoners as he had no acquaintance with the gentleman. Witness then saw a man called Hagan strike Corrigan with a stick over the ribs.—Somebody, whom witness does not know, rushed in and laid hold of Corrigan to bring him out of the crowd. Corrigan was lying down when the men took hold of him and raised him up. Corrigan could not assist himself then. Corrigan was lying on his back upon the ground when Kelly jumped upon him. Corrigan had fallen to the ground having been knocked down by Kelly.—Some people wanted to take Corrigan away to the house out of the road. Corrigan said he would not go; they had killed him and he would die on the ground. Kelly stepped up and putting his hands to Corrigan's back said he should go and be damned to him. Corrigan was taken away by three men, one of whom was Robert Simpson, to some pine logs, near Machell's barn. Corrigan sat down. The crowd were in pursuit of Peter Stockton who had taken refuge in Machell's house, and it was of no use taking him there. Corrigan sat down to rest himself. The prisoner Kelly said to Robert Corrigan as he sat down that he deserved all he got. Corrigan's head was bleeding terribly when he was taken out of the crowd. Richard Kelly was swearing terribly, and said at the pile of logs that there was not a man on the ground of his weight that was able to stand to fight him. Robert Simpson and witness then led Corrigan past Machell's house to the road. Some of the crowd had got into Machell's house, and some were standing outside. Simpson left us, and Corrigan took witness's arm and both walked together to the house of the witness's father, about an acre and a half off. In the house witness's father dressed

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Corrigan's wound on the head. There were about 50 persons round Corrigan while he lay on the ground. A good many of these persons had large green sticks in their hands. The first man witness saw going to the assistance of Corrigan was Peter Stockton. He was knocked down. Another man whom witness did not know went into the crowd and raised Corrigan up to take him out—after the prisoner Kelly had jumped upon him. There were lots beating Corrigan, whom witness did not know.

Mr. O'FARRELL, objected to the question being put to show whom Corrigan considered as the party who had caused his death. Corrigan carried pistols in his pocket and alluded to them in speaking of dying on the ground. (witness ordered out of court).

Mr. Ross.—The learned Counsel wishes to produce an effect upon the Jury.

Mr. O'FARRELL thought that the defence ought to be allowed to explain what Corrigan meant by his declaration; we have a right to know what he meant.

Mr. Ross made some remark, to which Mr. O'Farrell replied, that the learned Solicitor General might obtain that information from Corrigan in the other world. Perhaps he might meet him there.

Mr. Ross was quite right, and might bring it out now, but would waive the right.

Court.—You may withdraw your witness when you please, with the right afterwards to continue his examination.

Witness called in again.

Did not hear Corrigan threatened by any one. Corrigan sat about an hour, and being unable to sit any longer went to bed. Witness went back to the show ground and stopped until the evening. It was about two in the afternoon when Corrigan went to bed. Witness returned to his father's house about seven in the evening. Corrigan was then unable to turn in bed. Corrigan said he did not think he would live till morning. Did not see Corrigan again until late in the evening. He was worse then. One of his arms was powerless. He was hardly able to speak. Witness left the house then. Witness's brother James sat up with Corrigan. Corrigan had got a blow across the arm with a stick, and it was all swelled. Corrigan said so. Corrigan was able enough to move his legs. Saw Corrigan again about eight next morning. He said he was very weak, but did not feel as much pain as he had felt all night. Witness had not much conversation with him after that. Corrigan died on Friday evening about seven o'clock. He thought by the looks of Corrigan that he was in great pain on Friday. Bannon at the cattle show had on a red flannel shirt and grey tweed trousers. Bannon had nothing over his flannel shirt. It was exposed down to his waist.

Court.—There had been a conversation with the witnesses. The Court would punish such conduct, if persevered in.

Then the court adjourned for a quarter of an hour.

On the reassembling of the Court the witness was

Cross-examined by Mr. O'Farrell—The last time on which witness heard him speak was on Friday morning. Corrigan was not undressed on Wednesday. Saw no pistols in his trowsers pockets when his trowsers were taken off. Was not more than a hundred yards off when he saw the fight. Witness was about a hundred yards from the crowd at the commencement of the row.— Kelly kicked Corrigan only once. Bannon first kicked Corrigan in the private parts. Did not know Bannon's name until told by a young man named Montgomery. Several other people pointed him out. The person who had on the red shirt was pointed out to witness as the prisoner Bannon. There were about fifty persons in the crowd round Corrigan, who was at the edge of the crowd. Corrigan was just in the middle of the crowd, but in his struggle to get out he came near the edge of it. The brood mares were tied to the back of Woodward's shanty. Did not know whether Kelly was one of the judges of the brood mares. Could run middling quick. Was among the horned cattle, which were farther away a little than the brood mares. On Thursday morning Corrigan was able to move his legs. When witness saw Kelly knock down Corrigan a good many of the crowd were round Stockton. Corrigan was separated from Stockton by about 6 or 7 feet. George Bannon had on a hat that day. Witness never said, to the best of his knowledge, that Kelly had kicked Corrigan more than once. It was not Richard Kelly who first laid hold of Corrigan to pull him off the ground. Corrigan had gone about 15 feet before Kelly came, and putting his hands behind him pushed him along. Never, in his presence, did Corrigan say that he would not leave the ground like a coward. Corrigan moved about the house during the hour before he went to bed. Thinks he took some tea and toast.

The deposition of the witness at the Coroner's inquest was read.

Mr. ALLEYN objected to that part of the deposition being read relating to the dying declaration.

Mr. SOLICITOR GENERAL ROSS insisted upon the whole being read.

THE COURT.—It would be unjust to the prisoners. The object of reading the deposition was to contradict some particular portion of the evidence adduced.

Mr. Ross read an authority to show that the whole deposition should be read, and that the Crown prosecutor might reply.—Archbold p. 232.

Court ruled that only the portion referring to the evidence given before the Court could be read. The reading of the deposition must be confined to the number of kicks given.

Witness saw a discrepancy. Does not know whether they kicked Corrigan three or four times. Witness testified in Court that Kelly kicked Corrigan once to his knowledge. Saw a discrepancy in the deposition as to what was said while Kelly sat on

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the logs. In the deposition witness spoke of threatening. Witness explained that when Mr. Ross asked him about threatening, witness believed that Mr. Ross had reference to some time previous to the cattle show. In the deposition it was stated that Kelly brought Corrigan out of the *coupit*. Witness says that that may have been written, but was not sworn to by him. Witness adhered to the evidence which he had given in Court on this point.

LOUIS DEMERS, of St. Sylvester, Farmer.—Witness knew Richard Kelly, Fras. Donoghue, Monaghan and McCaffrey and the rest by sight. Was present at a Cattle Show in the month of October last. When the row commenced, the prisoner Kelly was with us interpreting between the French Canadians and the old country people. Persons present were himself, Laurent Pacquet, Xavier DeLaurier, and Kelly. Witness saw a row, and ran towards it. The row took place about two acres from where he was, and Corrigan was falling under the blows. There was a large crowd then; about 25 or 30 in a group. While witness was going toward the crowd Corrigan had fallen. Witness could not say who were fighting; they appeared to be fighting among themselves; they appeared to be beating one man especially. One man, that man was Corrigan, seemed to be receiving the blows. The crowd struck another person who came to assist Corrigan, Peter Stockton. Witness saw man turn round towards Corrigan, who had managed to get up a little. By this time witness was getting through the crowd and saw Kelly getting hold of Corrigan by his left arm and raising him up. Several persons were striking and kicking at Corrigan. Several persons wanted to take Corrigan away, but he said, let me lie down again.—Witness assisted in removing Corrigan from the ground. Corrigan appeared to be rather heavy, and Kelly called out to witness to come and assist him. When witness came up to Corrigan he recognized the prisoner Kelly among the crowd. Kelly put his right arm round Corrigan; Corrigan laid or rested the side of his head upon Kelly, covering Kelly's clothes with his blood.—Witness seeing the crowd striking another man, left Corrigan and followed them. The whole affair only lasted two or three minutes. Witness saw in the crowd prisoners McCaffrey and Frank Donoghue. Only saw these two persons in the row, although he saw the whole of them on the ground. Witness came running up and noticed the prisoners Donoghue and McCaffrey among the crowd.

JAMES MCKEE, Blacksmith, sworn.—Knows only two of the prisoners at the bar, Richard Kelly and Francis Donoghue. Knew deceased Robert Corrigan, who was a farmer. Corrigan died at his father's house on the 19th of October. On Monday witness took the body to Leeds for interment, but an inquest was held on the body by Coroner Panet on Tuesday. Witness saw Corrigan in good health on Wednesday morning, the 17th of October—in perfect good health. Witness saw Corrigan in witness' own shop. Next saw Corrigan between twelve and one, coming into his

father's house with his brother Edward. Blood was running from his head all down the left side of his face upon his coat. The wounds were bleeding very fast. Witness brought him into his father's house, and father and witness took off his two coats and shirts, and told his mother to wash him. Witness then went to his shop. Corrigan said he was a ruined man, and that he had got what he would never get over. Witness hoped it was not as bad as that, and Corrigan said there was something broken in his inside. Advised him to get washed and keep quiet, and went out to the shop. Witness saw Corrigan next about six o'clock; Corrigan then appeared to be in great pain. Corrigan was lying on the outside of the bed. Samuel Walsh and George Ellison were in the room. Corrigan said he was suffering terribly; it was all over with him, and he would never get better. Witness asked Corrigan if he knew of anything that would relieve his pain, and he said if witness could get some goose grease and turpentine it would do him good. Witness got some goose grease and turpentine and rubbed it on his belly. In a few minutes the pain became worse, and Corrigan turned on his side and for several minutes could not speak. Witness thought he was dying. Corrigan muttered something to himself. Witness staid up with him all night. About half-past eight o'clock he became a little easier. Witness wanted to send for the doctor, but Corrigan would not let him, and said it was no use sending for the doctor at that time. A doctor would be of no use, and could do him no good. Perhaps he would be able to ride home the next morning. Several times during the night he said he knew he would not get better. Next morning, Thursday, he was worse, and witness sent for the doctor without his consent. He did not attempt to ride home, nor did he say anything about going home. On Thursday morning several of his acquaintances came in, and he told them that it was impossible for him to get over—that he would not recover it. During Thursday forenoon, witness came every now and then from the shop to see Corrigan, to turn him over and give him a drink.—Corrigan kept one arm mostly across his breast, and the left arm extended; he kept his legs stretched. Had to put a board at the foot of the bed for Corrigan to lean his feet against. Witness was not away from him at any time longer than an hour. Corrigan's wife arrived between eleven and twelve o'clock on Thursday; witness' father having gone for her. Witness sat up with him on Friday night. His belly seemed to be swelling. He stayed with him till twelve o'clock, and during that time applied hot flannels. Witness slept from twelve till two, and then attended upon Corrigan again. Corrigan said several times, during the remainder of the night, that he knew he would never get better. On Thursday night witness was present when Corrigan made his deposition before Mr. Pacquet, the magistrate. It was about six o'clock at night when Corrigan made his deposition.

Cross-examined by Mr. O'FARRELL—Did you see Corrigan vomiting at any time? Yes; at 12 o'clock at night. Did not

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examine what Corrigan had vomited. Does not know who emptied it. Everything was done by witness' brother Andrew, now in Michigan, and his father and himself. Corrigan vomited a second time about three o'clock in the morning; vomited afterwards every ten minutes till he died. From the third time of his vomiting, whenever he drank water he vomited. The third vomiting was before seven o'clock on Thursday morning. He drank some whey; not more than two cupfuls altogether. The Rev. Mr. King came about 7 o'clock on Wednesday evening. Mr. King felt his pulse and looked at his tongue. Mr. King remained for an hour. A black draught was brought from the parsonage. Could not say that Mr. King wrote the prescription for it, or that it was prepared by him. Mrs. King came with it herself, and was there when it was given. Mr. King gave order for the administration of one half of the portion half an hour after the first.

The Court was then adjourned until 10 o'clock on Saturday.

QUEBEC, February 2nd, 1856.

Mary McKee sworn and examined. Witness resided at St. Sylvester last October. Knew Robert Corrigan by sight. Remembers the cattle show that took place at St. Sylvester. The show was on the 17th of October last. Saw Corrigan in the field at the cattle show, wiping his hands on some sheep.—Witness's house was in the middle of the field where the show was. When the witness first saw him, he was stooping down, either wiping his hands or feeling the sheep. Witness saw a person strike Corrigan, and to the best of her opinion believed that it was Patrick Donoghue, the prisoner—she was not sure.—Witness showed him to her husband, and he said that was the man. He is the man to the best of my opinion. Knew the same man that struck Corrigan by his dress. He had a low crowned black hat, with a broad black ribbon, a dark surtout coat, and a light shirt on, and dark trowsers. Witness was about 20 yards off—a little distance, not, she thinks, 30 yards off. Afterwards pointed out the man to her husband, and had then no doubt that that was the man who struck Corrigan. There was no man on the ground like Donoghue. A few minutes after the fight was over, witness pointed out Donoghue to her husband. It was within a few yards of her own door. Patrick Donoghue was the first man that struck Corrigan with his fist. Corrigan, when struck, staggered, and then Donoghue hit him with his knee on the back. Next thing, an instant after, witness saw Corrigan standing in the crowd with his hat off. Mr. Kelly—that man with the red muffler (witness thinks his name is Richard Kelly)—struck Corrigan under the eye or under the ear: could not see exactly, as Corrigan's back was turned towards her. The man who struck Corrigan, on

the 17th of October, at the cattle show, had a glazed hat on, with a black strap or tape under his chin to keep the hat on. He had a loose coat on; he wore dark trousers. Witness saw the man Kelly knock Corrigan down and jump upon him. Corrigan was lying upon his back when Kelly jumped upon him. Could not tell upon what part of Corrigan's body Kelly jumped. Witness then jumped the fence, and say, "Oh! my God, my God! Murder! Is there no one to save the man?" Kelly, or as I suppose to be Kelly—the same man at all events—stepped back and kicked Corrigan in the left side. Heard a man in the crowd, with a red flannel shirt on, say, "lay on him, he has not got half enough yet." Witness could not say whether this person was one of the prisoners at the bar or not. At this moment Corrigan was lying down—rolled over more on his side. Plenty of people round him, running round about him—some of them had sticks.—One James Hagan hit Corrigan across the left arm and side with a stick. There was no other man with a flannel shirt on, except the one. Next saw this man (as witness supposed to be Kelly) helping Corrigan out of the crowd. Robert Simpson assisted Kelly. Corrigan said, "Oh! Kelly, for God's sake let me lie down, for I can't walk." Kelly cursed him, and said, "Come along, Corrigan, for it is good for you all you have got—you have long earned this for yourself." The same two men took him to some pine logs and sat him down there. Kelly left Corrigan there, and went into Machell's house. Recognised no other person on the field. Saw nobody go to help Corrigan. Saw Peter Stockton on the field just as they were thrashing Corrigan. Witness meant by "they" the three men that beat Corrigan. Cannot say what the other persons were doing.

William Woodworth, Tinsmith, St. Sylvester, sworn—Knew the late Robert Corrigan by sight. Knew him slightly. Last witness was present witness's wife. Witness's house was in the middle of the show ground at the Cattle Show, 17th October. Was among the cattle, and hearing people shout ran down. First thing witness saw was Patrick O'Neill striking Stockton with a stick. O'Neill was the fifth on his left hand. Saw O'Neill for first time at Cattle Show. To the best of witness's knowledge the prisoner pointed out was the man. Leard a conversation about orders from F. Donoghue and Kelly. As the crowd came out of Machell's, F. Donoghue was jumping up, and calling out for any Protestant buggar in the parish of St. Sylvester. Richard Kelly came to the door of Machell's house, and showed Francis Donoghue his hands, and said there, "Don't you see them reeking with Protestant blood." Kelly cursed at Francis Donoghue to be quiet, saying that he had done enough. Francis Donoghue said, we will obey your orders. All the crowd then went away except Kelly. Witness's wife pointed out to him as the assailants of Corrigan—about 11 or 12 o'clock, that is, a quarter of an hour afterwards—Francis Donoghue and Patrick O'Neill, as two men

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she had seen in the fight ; Donoghue being the first person who struck Corrigan on that day. Stockings and O'Neill were standing face to face when O'Neill struck Stockings with his stick. As soon as struck, Stockings fell, and they were no longer face to face. Before he got the blow, Stockings had turned his head.—Stockings could not have seen the blow coming. Saw Corrigan after he was in McKee's house, lying on a bed on his back, about dusk, on Wednesday, the 17th October. Corrigan was moaning a good deal. Witness asked him how he was, and Corrigan said, "I am a done man." Saw him again next morning at five o'clock on Thursday, when he told witness that he was worse. On the evening of that day he said to witness that he was no better, and would never get better. On Friday, about dusk, witness saw Corrigan again, but only heard him ask for a drink. He appeared to him to be very near death. Stockings resided with his mother at St. Sylvester. Stockings left St. Sylvester about two months ago for the West.

J. B. NOPPER, sworn and examined.—The Show at St. Sylvester took place on the 17th of October ; witness was there. There was a gang who were organizing a row. This meeting was at twelve o'clock, before the row began, on Mr. Machell's farm. Patrick O'Neill, John McCaffrey, Francis Donaghue, and Edward Donaghue, were present ; witness did not know the others. Patrick Donaghue was there ; he was named to begin the row—incited to do it—the rest were to follow. Patrick O'Neill, Francis Donaghue, and Edward Donaghue incited Patrick Donaghue to commence the row. Pat Donaghue then left to begin the row. As soon as he came up he struck Corrigan. Prisoner Kelly then struck Corrigan on the head with a stick ; witness saw Kelly, a short time before he struck Corrigan beside the horses. Corrigan was examining a sheep when struck by Donaghue. Patrick Donaghue was the first person who struck Corrigan. The Judges were all together and there were no persons between them and the sheep. Patrick Donaghue came between the Judges and the sheep, and Corrigan said, "Get out of the way ; we can't see." The sheep were alone near the place. Patrick Donaghue then struck Corrigan on the side of the head with his fist. Richard Kelly came up and struck Corrigan on the head with a stick, immediately after Donaghue. John McCaffrey also immediately struck Corrigan with a stick. Corrigan was then standing up. McCaffrey hit Corrigan on the neck ; after he received this blow Corrigan fell. Patrick O'Neill then came up and struck him across the body with a stick. Corrigan was then lying on his belly on the ground. Kelly then jumped upon him—on his back. Corrigan attempted to rise. Kelly was upon his body, and, jumping off, began to kick Corrigan on his side. George Bannon was striking him in the hinder parts. (George Bannon identified as prisoner on the right.) Witness is not sure—the prisoner is not dressed as he was at the Show. Bannon is the first to the right—he has no doubt of it now.—

Bannon had a red flannel shirt on, and kicked Corrigan between the legs.

Witness would not say anything else.

Mr. O'Farrell.—He is too modest.

Court.—The witness could not return the compliment. (Laughter.)

Witness.—Francis Donaghue then came up and kicked him in the side with his feet ; Edward Donaghue came up also and kicked Corrigan in the side ; Patrick Monaghan struck Corrigan with a stick ; Monaghan emerged from the crowd and said if there was a Protestant there that would take Corrigan's part he would give him a mark. Witness then went away, as he was afraid of his life. Patrick O'Neill, Patrick Monaghan and Patrick Donaghue were present at the meeting, and John McCaffery and the young Hopkins' were present ; Edward Donaghue and Francis Donaghue were also there ; there were others, but witness does not know their names. Patrick Monaghan is among the prisoners ; but the Hopkins' are not. Witness identifies all the prisoners at the bar. Patrick Donaghue said, " If it was not for Tommy Cute, Corrigan would never leave the place. This was said in English. (Witness repeated the words in English.) John Hogan said, " We have given him enough," and that he (Hogan) did not think that Corrigan would get over it. After the fight, witness met Pat O'Neill, Pat Donaghue and Edw. Donaghue, and he heard Pat Donaghue say to Pat O'Neill that he would like to have done as he had done—to return to the field to do so ; O'Neill said that Donaghue had done enough, and that they need not go back ; Donaghue asked O'Neill to return, but he said no, he had done enough. Witness (in English) stated that Donaghue said, " We will have to go back to the field again." O'Neill said, " We have enough done." When Patrick Donaghue asked O'Neill to go back he had in his hand a maple stick of three inches in thickness ; in O'Neill's cart there were three sticks. Saw Corrigan on the following Sunday, when he was dead.

Cross-examined by Mr. O'Farrell.—Knows the two Hopkins, since he has been living at St. Sylvester. Does not know their Christian names, but knows them well by sight. Has lived in St. Sylvester 15 years. Knows Edward Donaghue, also. Witness identifies Edward Donaghue and the two Hopkins brought into Court. He knows John Hagan, too. There were about 30 persons at the assembly where they were plotting the assault upon Corrigan. Witness was at a distance of 20 feet from the meeting, which took place behind Machell's barn. It lasted about an hour ; it was about 50 yards from where Corrigan was beaten ; Kelly was not at the meeting. Witness has known P. Monaghan for long before this difficulty occurred ; knew McCaffrey a long time too ; knew Kelly also ; when Donaghue came between Corrigan and the sheep, Corrigan told Donaghue that he could see nothing ; told him to take care, and then Donaghue struck him ; that is all

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that Corrigan said before Donaghue struck him ; witness did not hear Corrigan say to Donaghue, " you have no business here ;" did not see Donaghue strike Corrigan with his knee ; as soon as the persons at the meeting told him to go and begin the row, Donaghue went up to Corrigan and struck him ; did not hear Edw. Donaghue say anything ; Edward said at the meeting to Patrick Donaghue, to go and commence the row by striking Corrigan ; Hopkins was disputing at the meeting, but witness did not understand what he said ; the two Hopkins of whom he speaks are the two young Hopkins formerly mentioned ; is certain that he did not hear what the Hopkins said when they were speaking. Has a good memory and does not forget what he hears. Patrick O'Neill spoke first at the meeting ; Mr. Egan told Patrick Donaghue to go and begin the row ; he said literally, " Go and start the row, and we'll all follow you ;" that was all that O'Neill said before Donaghue started ; Patrick Monaghan said the same thing. (Witness was asked to repeat what was said in English.) He said, " Go and start the row, and we'll all follow you ;" McCaffrey said the same thing—" Go and begin the row, and we'll all follow you ;" Francis Donaghue said, " Go quick—we'll all follow you, and we'll give it to him ;" Kelly said the same as the others ; the meeting lasted for an hour, but he does not know if all remained that time ; the two Hopkins remained till the meeting was over ; when going to the ground where Corrigan was, they all left the meeting together ; witness did not look at them all the time ; did not see the two Hopkins leave, but saw the Donaghue's and McCaffrey go out ; Pat Donaghue led the way, and the six other prisoners at the bar followed him ; this occurred shortly after dinner time—12 o'clock—witness did not see what kind of a hat the man with the red shirt had on, witness was about 15 yards from the ground when they were beating Corrigan ; Corrigan fell twice in consequence of the blows he was receiving ; it was Patrick Donaghue, not Kelly, that felled him ; McCaffrey was alongside of Corrigan during all the time of the beating, Patrick Donaghue, Monaghan, Kelly, Bannon, Edward Donaghue, and McCaffrey felled him the second time ; the all struck him at the same time ; when one gave a blow the others followed immediately ; Kelly leaped upon Corrigan's body once, and kicked him in the side not less than six or seven times ; witness was on that side of Woodworth's house ; witness did nothing but look on while they were beating Corrigan ; he left immediately after. There was not less than 30 persons beating Corrigan ; they were all running, and got up to where Corrigan was all together. Corrigan raised himself up from the ground the first time he fell ; did not see him the second time ; was not there. O'Neill struck Corrigan with a maple stick three inches thick, and then Monaghan struck him also with a stick, 3½ feet long and 2 or 3 inches thick ; Francis Donaghue also struck Corrigan with a stick, and so did Kelly. Kelly struck

once with his stick and, dropping it, jumped upon Corrigan ; did not strike Corrigan with anything except his stick and his feet.—Edward Donaghue, with a similar stick, and George Bannon with his feet and his fists struck Corrigan. McCaffery had a large birch stick, 3 or 4 inches in thickness, with which he struck Corrigan ; the blows were heavy ; they all struck him with ordinary force ; they were doing their duty. A quarter of an hour after, when Monaghan came out and asked if any man would take Corrigan's part he would get the same, he ran away. Witness made a deposition before the Coroner, but did not say everything he knew, being afraid of his life in the parish. Witness identifies a Hopkins who was present when they started to go and beat Corrigan. No one threatened him before he gave his deposition before the Coroner at the inquest. He was threatened by the young Hopkins. They said to a Mr. Mooney that if they met witness he was a dead man. Neil Mooney lives at Patrick's Mills. John Monaghan told him he might leave the Parish as soon as he could. Witness was in Mr. Wilson's service at the time of the Exhibition—is still there. Witness was sick on the day of the *Enquete*—was sick with the chills—was afraid of his life ; that was the reason he did not tell all he knew. Was not threatened before the inquest, but at Wilson's house was threatened to be burned down with all the Protestants, and he feared he would share the same fate. It was not in Wilson's house that the inquest took place.

QUEBEC, 4th February, 1856.

WM. LOWRY, farmer at St. Sylvester—Knew Robert Corrigan. Was at the Exhibition at St. Sylvester on 17th October last. Saw Corrigan there and what happened to him. When witness first saw Corrigan on that morning he was well. Witness was on Machell's farm. The first thing he saw was Corrigan knocked down, between 12 and 1 o'clock, by Donaghue. (Witness pointed out Corrigan's assailant as the second prisoner in the box from the left.) Donaghue struck Corrigan and then hit him on the back with his knee. Corrigan tried to rise, but was knocked down again by Richard Kelly, who struck him with his fist on the left side of the head. When Corrigan fell after this blow, Kelly jumped upon him. Witness was not far off. Corrigan was lying partly on his back, and Kelly jumped upon his belly. Corrigan cried out, " You have killed me, are you going to murder me out ? " The prisoner on the left hand of Kelly said, " By Jesus Christ ! let us kill him out." Recognised him as one of the Donaghue's, but did not know his christian name. That is the man which witness took for Donaghue. Witness next saw a man named Hagan strike Corrigan with a stick on the side of the head. A whole lot then commenced kicking Corrigan, who was,

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at that time, lying on the ground. Corrigan was taken up and carried off by Richard Kelly (the prisoner), Robert Simpson, and Edward McKee. After they had raised him up, Corrigan begged for God's sake, to be laid down, that he might die where he was ; prisoner Kelly said, " Let him come on, he deserves all he got, and twice as much more." Corrigan was asked by witness what had happened to him, in presence of prisoners Kelly and Patrick Donaghue. Witness asked if he was very badly hurt. Corrigan said he never would recover for his inside was burst. Kelly was then assisting to carry Corrigan away, and Donaghue was within six yards behind him. Patrick Donaghue told him to lay him down and they would kill him out. One turned round and said, " We have killed one, let's kill another." Saw a man with a red shirt, called Bannon ; the man whom witness took for Donaghue in the crowd while the fighting was going on. He came to Macbell's door and said, " I am Bannon, let any bloody Protestant come out." Witness saw Bannon kick Corrigan. Bannon followed up to Macbell's door after Stockings. Saw all the prisoners at the field except McCaffrey. When Donaghue said to lay him down and they would kill him out, witness said that " any man who would strike Corrigan he would strike him " Patrick Donaghue then said to witness, " Damn your soul, I'll kill you as fast as him." Corrigan was then off the field to McKee's. Witness got two or three 'clouts'—one from Hagan, and for the others he could not tell who gave them. Was in Corrigan's bedroom when Dr. Reed was there. Asked Corrigan if Mr. King's medicine had done him any good, and he said, " No, no medicine would do him any good—all the medicine in the world was of no use to him." Corrigan did not say what effect the medicine had put upon him. He said nothing about having taken an emetic to clear the bad blood out of him. Corrigan's face appeared like death ; he looked very ill ; there were some bloody marks upon his face and head ; Corrigan's mouth was open when he spoke ; did not look whether it was open or shut ; did not examine his eyes or face.—Corrigan asked for a drink ; he asked to have his lips wet with water ; he said his head was sore ; he had no hiccup when witness was present.

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The Rev. WILLIAM KING sworn.—Knew Robert Corrigan well. Remembers the Exhibition. Corrigan resided in the concession of St. Marguerite's for six or seven years. Saw Corrigan on the 18th of October, between twelve and one o'clock, in Andrew McKee's house. He was almost double, sitting on a seat in the kitchen. The people of the house had been washing away the coagulated blood. Corrigan had been bleeding profusely, and was bleeding then. He was bleeding very much from the head. Witness did not recollect anything further until Corrigan was changed and put to bed. Corrigan put his hand upon the lower part of his abdomen, and said, when speaking to me, there was his death-wound. Could not give Corrigan's exact words. Thinks the

words were, "they have finished me." Before leaving Corrigan witness read and prayed. Does not know exactly when Corrigan said this, but thinks it might have been about two. Corrigan, when visited a second time, appeared to be very restless, weak, and in great agony, turning from side to side. Corrigan had not the slightest hope of living; he said they had finished him.—Ascertained that Corrigan had no hope of recovery, by looking at his head, neck, and other parts of his body, and by his putting his hand on the lower part of his body, and his saying "they had finished him." Corrigan had requested witness to examine him.

Mr. Ross complained of the translator. If he were translator, he would give his version uncontrolled by the court.

MR. JUSTICE DUVAL.—The Court was not to be intimidated. If any translator would dare to treat the court with contempt, he would instantly turn him out of court.

Mr. Ross did not mean to intimidate the court, but was determined to establish a principle.

THE COURT.—Mr. Ross, you are quarrelling with yourself. Is there to be no judge?

Witness made an effort to bleed him, but did not succeed. Could draw no blood. That was about eight o'clock. Corrigan had but one opinion, from first to last, which was, that he would not recover. His countenance was continually undergoing a change for the worse—deadly pale. Corrigan was moving from one side to the other. The medicine which he gave him was hardly sufficiently strong. Witness tasted it. Corrigan was full of pain. Saw Corrigan next morning about eight. The same symptoms were as evident then as on the previous day. Corrigan had got warm flannels applied to his abdomen: if they were removed for a moment, he was filled with pain. He frequently put his hand to the seat of pain, and said he had no hope of recovery. Witness was with Corrigan during the greater part of the three days on which he was ill. On Thursday Corrigan said he was growing worse, and on the evening of that day he made his will in witness' presence; it was late in the afternoon, and it was terminated by candle light. Dr. Reed was present and wrote the will. Witness prayed for him, at his desire, on Wednesday evening. Corrigan went off more suddenly than any one expected at the time. Corrigan made a statement between the hours of one and two on Wednesday. Had witness thought he would have been required to give evidence, he would have taken notes of everything that passed. Could not recollect precisely how often Corrigan said he would not recover. On each of the days witness saw Corrigan, Corrigan said something relative to the affair. When last saw Corrigan, it witness' memory did not fail, thinks Corrigan stated for the last time when he made the deposition, the names of such persons as had been the cause of his illness. The deposition was taken before Mr. Paquet, a magistrate.

Mr. Ross made an application to the Court to receive the dying declaration.

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The prisoners' counsel objected.
Overruled.

Mr. Ross read the parts of the testimony in which Corrigan's impression of dissolution is given, and argued that Corrigan, being sensible of approaching dissolution is given, and argued that thrt Corrigan, being sensible of approaching, speedy and inevitable death, had made a legal dying declaration. [Authorities:—Russell and Ryan, vol 1, p — ; Case of King vs Smith ; 1st Moodie, p 99, Mosley's case ; 2nd Moodie, 135 ; 4th book of Russell on Crime, pp 754, 758, vol 2 ; Chitty, 1st vol., p 585 [American edition] ; 1st Archbold, p 140 [large American edition] ; Roscoe on evidence, p 29 ; Dennison's Reports, p 33 ; same work, vol 2, p 239, Queen against Hunt.]

QUEBEC, February 5th, 1856.

JAMES REED, Physician, Inverness, sworn.—Knew Robert Corrigan ; attended him in his illness. Saw him first on Thursday, 18th of October, at McKee's house, St. Sylvester. Was sent for by McKee. Corrigan was in a small bed-room in bed upon his back. Corrigan appeared to be very weak and suffering. Witness asked him the cause of his illness. Corrigan said he had been very severely beaten the day before at one o'clock. The worst symptom, Corrigan said, was the pain in his abdomen. Corrigan was vomiting a great deal. Witness asked him if his bowels had been open since the time he had got beaten, and Corrigan said no. Witness examined Corrigan's head : there were three contused and lacerated wounds on the scalp ; there were contusions upon the shoulders, on the left arm, on the chest, on the back, and on the lower part of the abdomen. Witness examined the abdomen, and deceased said he felt a great pain there. Corrigan found a burning sensation : the pain was increased by pressure. The other part of the abdomen was slightly swelled and very painful. Corrigan's tongue was covered with a white crust, and the edge of the tongue was red ; he was thirsty, and called constantly for drink. His hands and feet were more cold than is natural ; his face was pale ; the eye was rather sunk. Corrigan had slight difficulty in making water, and at times the pain in the abdomen was a great deal worse, caused by the wind rumbling through his bowels, which, he said, caused a choking sensation. He said that the wind in his bowels seemed to choke up his throat, and that he had passed no wind downwards through his bowels. The pulse was small and hard. He vomited nearly constantly, and when he drank he vomited. Witness gathered, from what the man told himself, that intense inflammation was going on—that was, from the nature of the words generally. Witness did not intimate to Corrigan his opinion that he would

not live, but did to the friends about the house. They all asked witness, and he told them he did not think the man would get better. On Friday morning, about six o'clock, Corrigan asked witness if he had any hopes of him, when witness told him, no; that he had better get his will made as soon as possible.

ANDREW MCKEE, St. Sylvester, sworn—Knew Robert Corrigan, who was brought to witness's house, and there died on Friday evening, the 19th of October last. Corrigan was brought to witness's house about 1 o'clock on Wednesday, all covered with blood, and seemingly in a very bad state. He was asked if he would like to see his wife, and Corrigan answered that he should wish to see her, but she was in a poor state of health, and could not be brought out at night; witness went for Mrs. Corrigan before daylight next morning at 5 o'clock; it was between 11 and 12 o'clock before Mrs. Corrigan arrived at witness' house; the distance is about ten miles, but the road is rocky; tea was made at witness' house for Corrigan, but he did not take any; himself and son, Samuel Work and others stood around the bed when Corrigan died; Samuel Work stood behind witness, and not more than two feet apart; was present when Corrigan signed his will; it was in the middle of the day—a little before noon.

JAMES CRAGIE, farmer, Leeds, sworn—Recollects the cattle show at St. Sylvester, on the 17th October; saw Robert Corrigan; about 2 o'clock, as witness was leaving cattle show, he came upon a lot of young men, and then saw a man lying upon the ground with his back up; was coming from the cattle to go home; had not heard of any previous disturbances; there were a good many people standing round; there were seven men kicking him with their feet; he was lying down while they were kicking him; he was neither moving nor saying anything; two kicked him on the right side and one on the left; three were kicking him about the head and shoulders; this was the man they called Corrigan; there was a man standing between his legs, kicking him in his bottom; witness did not know any but that one, and him he saw for the first time that day; witness was told that his name was Richard Kelly; he had never seen any of the prisoners until that day, as he lived in Leeds; witness thought the body was dead, because he never moved; whilst witness was looking at him, they ceased beating him, and Corrigan got up upon both legs, but leaned over on one side; a great number of people got round the man, and he was knocked down again; it was no easy matter to recognise people in a row; the crowd at this time prevented witness from seeing what was going on; the crowd and man went away in another direction—he could not see whether the man was carried or no; there were between 25 and 30 persons in the crowd; witness was on the road going home at that time and went straight on; he never saw Corrigan after that; witness had not known Kelly before that day; knew him because on the morning of that day he was with two acquaintances with whom Kelly came up and

shook hands with Kelly.

THOMAS KELLY, witness, sworn—On the 17th of October, 1865, I was at the cattle show at St. Sylvester, and I saw Robert Corrigan, who was brought to witness's house about 1 o'clock on Wednesday, all covered with blood, and seemingly in a very bad state. He was asked if he would like to see his wife, and Corrigan answered that he should wish to see her, but she was in a poor state of health, and could not be brought out at night; witness went for Mrs. Corrigan before daylight next morning at 5 o'clock; it was between 11 and 12 o'clock before Mrs. Corrigan arrived at witness' house; the distance is about ten miles, but the road is rocky; tea was made at witness' house for Corrigan, but he did not take any; himself and son, Samuel Work and others stood around the bed when Corrigan died; Samuel Work stood behind witness, and not more than two feet apart; was present when Corrigan signed his will; it was in the middle of the day—a little before noon.

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shook hands ; witness' acquaintances told him that was Richard Kelly.

THOMAS DURKIN, farmer, of Leeds, sworn—Knows Richard Kelly ; was one of the judges at the cattle show on the 17th October, 1855 ; a disturbance occurred there ; witness was after judging some sheep when Corrigan was struck alongside of him ; John McCaffrey, one of the prisoners, said that he had a pair of the same class as those to which they had adjudged the first prize—of the Leicester breed ; this was said to witness and Corrigan ; witness told him to bring them up, and if they were worthy of the first prize they would get it. The sheep were brought up, and witness asked Corrigan whether they were worthy of the first prize, who left it to myself, and witness gave the first prize to the sheep to which he had previously adjudged it ; McCaffrey was displeased, and said if he did not get justice he would have other judges. Corrigan said, then, if that was to be the case he would judge no more. He was then struck, witness does not know by whom ; thinks the blow fell upon the head ; it was with a fist ; turned round to see who struck him, and saw Corrigan down again ; upon that witness cleared out of the place altogether ; the man who struck Corrigan had blue clothes on him, and a black hat with a white buckle in front of it ; he was a slender young man.

QUEBEC, 6th February, 1856.

THOMAS CROMWELL, (a head worthy of old Oliver himself), farmer, St. Sylvester, sworn.—Knew of the row at the cattle show at St. Sylvester, on the 17th October last. The row was nearly over when witness first came to it. Was about ten rods off when he first perceived the row. Saw a crowd as if they were beating a man who was in their midst. Saw one man that he was sure of ; his name was Hagan, and witness thought his christian name was James. Hagan was rushing forward towards the man who was down—Corrigan. Knows it was Robert Corrigan, for witness recognised him when taken up. Saw Corrigan carried out from where he was beaten. Richard Kelly, Terence Burns, and one or two more whom witness does not recollect, helped to carry Corrigan off the ground. Only got up close enough to recognise individuals when they were carrying him out. They wanted Corrigan to walk, but he said he was not able. They insisted that he should walk. Corrigan wanted them to let him sit down on the ground. He said, " boys, let me lie down on the ground and die, for I am killed, and am done." Some man that was with him said that he had got what he deserved. Witness saw Corrigan next day, about 9 in the morning, at McKee's. He was in pain and lying in bed. Corrigan told witness he was done ; said they had beat him badly, and that he would never get over it. He did

not tell witness who they were, but said he knew them all. Witness told him he would get over it ; Corrigan said " No, I will never rise again ; I'm a done man ; had they beat me fair it would have been nothing, but they all fell upon me and I'll never get over the way they have beaten me ; I'll never rise off the bed I lie on." He said he thought he would have got over it all, only for the kicks he got. Did not remember anything else. He said the kicks were about the belly and private parts.

Thomas Adamson, farmer, sworn :—Resides at St. Sylvester. He is aged 16. Remembers the Cattle Show ; it was on the 17th October, last year. There was a disturbance. It was between one and three o'clock, and in John Machell's field. The first thing that witness saw was Patrick Donaghue strike Robert Corrigan on the back of the head with a stick. (Witness, a very intelligent lad, readily pointed out Donaghue in the box.)—Witness also saw George Bannon strike Corrigan with a stick ; Donaghue and Bannon struck one after the other. Witness saw Paddy O'Neil kicking Corrigan. Bannon is the prisoner next to the man on the extreme right.—The next was Richard Kelly ; he saw him jumping on Corrigan. Corrigan was then lying on his back. After Kelly jumped on Corrigan he jumped off again. Kelly then kicked Corrigan once. Patrick Monaghan struck him with a stick. Identified all the prisoners except the one on the off-side, (McCaffrey.) Witness saw Frank Donaghue kicking Corrigan, too. Believes that is all he knows about it. All that he named were at the row. Witness might have seen McCaffrey too, but not to know him. Did not know one Dwire. Witness was looking at the cattle some short time before the row began. Cannot say what first attracted his attention. There were persons running from the place where the horses were, but witness does not know who they were. Did not stop till the row was all over. He got out of the road.—Corrigan was lying on the ground, when witness last saw him ; did not see him taken away ; Patrick Donaghue struck first ; Paddy O'Neil, there is no mistake in it, struck him next with his foot ; Richard Kelly jumped upon him after that ; Pat. Monaghan next, and then Frank Donaghue ; there were other persons beating Corrigan, but witness does not know who they were ; saw Corrigan taken out from the crowd by some persons whom witness did not know very well, as he was by that time two acres off ; Corrigan was not taken away while witness was alongside of him. Witness does not remember the precise words used either by James Donaghue or himself. Did not remember having said he would get a new coat by it any way, if swearing would do it ; could not have forgot it, if he had said it ; it was witness' business to what church he belonged ; witness attends Mr. King's church ; never learned the catechism.

The Solicitor General.—Perhaps there is no catechism in that sect.

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Witness.—There is a catechism of the Church of England ; witness had read it over, but never learned it, no one ever explained to witness the nature of an oath.

(Witness sent out of Court.)

Mr. O'Farrell.—If witness had not had it explained to him, he must have got his knowledge from God Almighty himself, or been initiated by some one.

The Court.—The question to be put to the witness is whether he believes in a future state of rewards and punishments.

Witness recalled.—Does not know the nature of an oath ; he does not recollect having seen anything in the catechism about the nature of an oath.

By Mr. Ross.—Witness does not know what he is obliged to say when upon oath. Does not know what would happen to him if he told a lie upon oath.

Mr. Ross.—Is there a place of punishment ?

The witness was turned out of court.

The prisoners' counsel contended that Adamson's evidence was not admissible.

Mr. Ross was under the impression that the lad thought the questions had reference only to punishments in this world.

The witness was called in.

By Mr. Ross.—Witness believes in a future state of rewards and punishments. Guessed that he meant that he would be punished in the next world for telling lies. If he told a lie upon his oath, supposed it must be the same way. He would be punished by the Almighty. Supposed people who told lies upon their oath would go to hell any way.—(Laughter.)

THE COURT.—There is enough to go to the Jury with a little observation.

Mr. Ross would save the observation.

Witness.—A lie told upon oath would surely send me to hell ; did not know at the time what would become of him ; had since learned, but no one told him.

QUEBEC, 7th February, 1856.

MARK ELLISON, of St. Sylvester, aged 18, sworn.—Was at the Cattle Show on the 17th of October last. Thinks it took place on Tuesday and Wednesday. The Show was on Tuesday, and the Ploughing Match on Wednesday. Knew Robert Corrigan by sight, and saw something happen to him on the day of the Show. About two or three o'clock, witness thinks, John McCaffrey said he would be damned if he would have such judging. (Pointed out McCaffrey amongst the prisoners.) McCaffrey said this to the judges. There were three judges, Corrigan, Durkin and Keenan. Corrigan said he would not judge any more. Then Pat Donaghue

struck him and gave him a kick or a punch with his knees, witness is not sure which. Corrigan had his back towards Patrick Donaghue; a crowd then rushed forward, and Corrigan fell. Witness could not tell what "clip" caused him to fall. Patrick Donaghue struck him, but that blow did not fell him. When they rushed upon him he fell. Witness could not tell what made him fall. When Corrigan was down Patrick Donaghue struck him with his fist on the face while he was down. Among those who rushed upon Corrigan he recognized Patrick Donaghue and Richard Kelly. Kelly was not in the crowd at first. Only knows three of the prisoners, Patrick Donaghue, Richard Kelly, and John McCaffrey. At the first onset he knew no one but Donaghue in the crowd. After they kicked him awhile Corrigan got up. They beat him with sticks and kicked him. He was standing awhile when Kelly came up and struck him with his fist in the face; the crowd rushed forward again, and Corrigan fell. Then Hagan struck him with a stick. Kelly then took him by the arm and helped him away. Did not know anybody but Kelly and Hagan in the second crowd that rushed upon Corrigan. Did not notice Pat Donaghue in the second crowd; in both crowds there were about 20 persons. Both crowds were composed of the same persons. There were plenty striking Corrigan, whom witness did not know, with their feet and sticks. Hagan was an old man. Witness has stated all he saw and knows. When Corrigan got up, he said, "Oh! my God, I'm killed;" he said this quite low. This was said by Corrigan when he rose for the first time. Witness does not know if anybody heard Corrigan's exclamation. Pat Donaghue and Richard Kelly were in the crowd.

RICHARD STUART, farmer at St. Sylvester, sworn—Remembers the cattle show; knew Corrigan slightly. Between 12 and 1 o'clock on Wednesday, witness believes, he saw a row—was going forward to see the sheep, when he heard John McCaffery, the prisoner, say he would not stand to Corrigan's judgment of the sheep; Corrigan said if that was the way he would judge no more. Corrigan stooped down to wipe his hands on the sheep when Patrick Donaghue struck him with a stick upon the head. A mob of, perhaps, 20 or 30, or even more, instantly gathered about Corrigan and beat him, some with sticks, and some kicked him.—After that, he got up, when a man, named Richard Kelly, ran up and struck him with his fist, and knocked him down. Peter Stockings ran forward to save Corrigan—to take him away when he was down; Patrick O'Neill told him to keep back. As Stockings stooped to pick up Corrigan, Patrick O'Neill struck him on the back of the neck, with a stick, and knocked him down.—Stockings was at Corrigan's feet. Kelly then seized Corrigan by the collar of the coat to bring him out, witness thinks, and with the assistance of one or two more dragged Corrigan out of the crowd. Corrigan, as they raised him up, begged of them to lay him down so that he might die in peace. Kelly said that Cor-

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rigan deserved all he had got, and it was good for him ; they then took Corrigan off the ground ; thinks Kelly struck Corrigan with his fist upon the breast ; Corrigan fell down then ; Kelly kicked him about the sides and belly, to the best of witness' knowledge ; Kelly, in alluding to the beating, said to Corrigan " it was damned good for him." Witness has known Kelly for two or three years, and does not know Monaghan at all ; witness has seen him some ten or fifteen years ago. Patrick O'Neill told Stockings to keep back ; saw John McCaffrey strike Corrigan (witness first said he did not see McCaffrey do anything) ; witness now recollects that he saw McCaffrey strike Corrigan with his hand—with his fist—as he was falling from Pat. Donaghue's blow. Saw blood on Kelly when the row was over, and on Corrigan too. Corrigan was dragged away and carried into McKee's ; there were two men, one holding him by each shoulder ; thinks there were no more ; they were dragging Corrigan away ; he was not able to walk.

ROBERT SIMPSON, farmer, of St. Sylvester, sworn—Was at the Cattle Show, on the 17th October last ; knew Robert Corrigan ; was in that part of the field where the brood mares were ; it was about 2 o'clock when the row began ; about an acre from witness he saw a man getting beat ; could not identify any one ; witness started towards the row, but was met by a person who advised witness to stop where he was as he would find himself safer ; he saw another young man. Peter Stockings was very near the man who was beaten ; went towards the crowd and found two men picking Stockings up, John Stockings and another man ; one Stockings—James Claus—is at St. Sylvester : the other Stockings is in Wisconsin ; witness went down towards the crowd and saw Corrigan being led out by two men, one of whom was Richard Kelly ; (identified Kelly) ; witness did not know Corrigan, but asked Kelly who he was ; Corrigan appeared to be lifeless ; when witness came up, two men, the prisoner and another man, whom he supposed to be John Mullancy, were carrying Corrigan away ; witness reached them in the field at some little distance from where he was beaten ; Paddy O'Neill was the man who struck Stockings ; was positive that at the time when Stockings was struck, the person who did it was the man who had been pointed out to witness as Paddy O'Neill ; thinks, but is not positive, that it is the fourth man (Francis Donaghue) in the dock. Witness would have thought that that was the man, but had very little acquaintance with him. Corrigan begged of us to leave him in the field ; he said that he was a murdered man, or that he was killed, witness could not remember his exact expression ; he said he would die on the field ; witness thought he said—You must go on. Kelly next spoke ; believes he said. Corrigan deserves all he got ; Kelly said he was glad of it, or words to that effect ; we took him on to the barn at Machell's, and met a married woman there—Mrs. Flawes—who said don't bring him in here ;

there was a pine log at the corner of the barn on which Corrigan sat down ; witness said to Kelly, we must take the man out of this : Kelly and witness then took Corrigan by the arm until they came to the door of Machell's house ; witness told Kelly to look in and see what was up ; there appeared to be a noise and confusion in the house ; Kelly left witness to do so, and witness helped up Corrigan himself ; Kelly did not come out, and witness went on with Corrigan to some little distance from McKee's door. Another man, young McKee, was along with him, and he took Corrigan into his father's house ; saw Corrigan again that evening about sundown ; Corrigan was then in bed very bad ; some one asked Corrigan to get a doctor, and he said, " no, it's of no use ; " witness said it might not be as bad with him as he expected and it was better for him to get a doctor ; Corrigan nodded his head, moved his hand negatively and putting his hand upon his belly, said—" it is of no use, my belly is broke—the doctor can do nothing for me—it is not what I have got here (putting his hand to his head) or anywhere else, but (putting his hand on his belly) it is here."

MR. MACDONALD—a Juror—The witness put his hand lower down before that. (A significant motion of the head.)

QUEBEC, February 8th, 1856.

JOSEPH MCKUTCHEON, farmer, of St. Sylvester, sworn—Was at the Cattle Show on the 17th October. Knew Corrigan who died on the 19th Oct. Between 12 and 1 o'clock was by the tent near the house of Woodward. Witness heard noise—looked and saw some people beating Corrigan with their fists ; believes that more than one struck Corrigan, but was not sure ; saw a man using a stick who struck Corrigan on the head, and Corrigan fell from the blow ; had recognized nobody in the crowd. Witness then went towards the road ; saw two men, one on each side of Corrigan, taking him towards Machell's house ; they went away from witness ; Kelly was one of those taking away Corrigan ; heard Kelly say to Corrigan, " you deserve all you have got ; " witness was then about half an acre from them ; Corrigan said " let me down, let me lie down, I cannot go." Kelly said " you must go." They were moving him ; had not seen Corrigan afterwards that day. McCaffrey, Monaghan and Kelly were in the field ; after the fight, the crowd ran towards Machell's ; witness saw Stockings struck, at the same time on which Corrigan was struck, with a stick ; but cannot say by whom ; he fell from the blow.

The Rev. JOHN ARMSTRONG, Wesleyan Minister of Leeds, sworn—Knew Robert Corrigan. Visited him on Friday, the day on which he died, between 4 and 5 o'clock in the afternoon, and remained with him the best part of an hour. He was in great distress and in much pain. He complained very much of a severe

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pain. Before witness left, Corrigan said he believed he was a dying man. Witness went as a minister of the gospel to visit him as a dying man. At his request, witness read a portion of scripture and prayed with him. There were a couple of females in the room—Mrs. Corrigan, his own wife, and, he thinks, a Mrs. Stuart ; Mr. Durkin was there a part of the time ; the Rev. Mr. King was there a part of the time, but left the room before he did ; there was no mention made about the sacrament in his presence. Corrigan's pain was so great that a considerable portion of the time that witness was present he was not able to speak much ; he complained of great distress in his bowels ; in some general remarks, he alluded to the cause of his illness, but gave no names. It was daylight for some time after witness left Corrigan.

Cross-examined by Mr. O'Farrell.—The words used by Corrigan, as far as witness could recollect, were, "I am a killed, or murdered man." They were words to that effect. Corrigan was in a state of perfect consciousness.

Mary McKee, wife of Richard Stewart, [a previous witness]—Knew Corrigan : did not see him after the affair at the cattle show until he was taken to witness' father's house. That was on Wednesday, the day of the show : was not at the house when Corrigan was brought there ; Corrigan had just been washed and dressed when witness came in, and seemed very poorly : he was sitting upon a chair ; the Rev. Mr. King came to the house after that and took him into another room ; Corrigan told Mr. King the state in which he was, and requested him to give him medicine ; witness heard Corrigan speak ; witness then went home ; when in two hours after that, towards evening, she returned, Corrigan was very ill, and did not expect that he would ever recover ; did not see him again until 12 on Thursday, when he was much worse ; witness left him in bed, and found him in bed ; Corrigan said that he did not expect ever to recover ; the mischief was not in his head, but "there," (pointing to his belly). He put his hand upon the lower part of his side ; he said that he knew that something in his inside was broken, and that all the doctors in the world would not cure him ; Corrigan said to Mr. Montgomery, "I shall never pass your door again—I shall never see my children again." Corrigan on his way home from St. Sylvester would have had to pass Mrs. Montgomery's house ; Corrigan did not mention any names to witness at that time ; witness remained at her father's until Paquet and Dr. Reed came ; they both came in pretty much together, between 4 & 5 in the afternoon ; the doctor went in, and Corrigan told the doctor that he was very bad and that he did not expect ever to recover ; he told him that his head was bad, but it was not the worst ; he told him the same as he had told witness before ; Paquet was then in the room ; witness gave the doctor and "them" their tea, and then went home ; this was about three-quarters of an hour before she left ; witness heard Dr. Reed say it was necessary to have a will drawn,

and it was for that Paquet was brought ; there was nothing said about a reason for its being drawn ; there was nothing further said by Corrigan to Paquet and Reed, as to his condition, before she left ; it was almost 6 when witness returned ; found Dr. Reed, Paquet, James McKee, Andrew McKee, the Rev. Mr. King and William McGinnis, in the same room with Corrigan ; " we " were not allowed into the room—the door was shut ; told the Solicitor General what Corrigan said to Dr. Reed in the presence of Paquet ; Dr. Reed made no answer, but simply " seem ! " Dr. Reed went to sleep, but was awake about 2 in the morning of Friday, Corrigan being very bad ; when the doctor came out of the room witness asked him how Corrigan was, and the doctor said it was a very bad case, and the chances were that he would not recover ; the doctor remained up until 5 in the morning, when witness left ; Corrigan was very restless, and was disturbed as little as possible ; witness went away about this time, and returned at 3 on Friday afternoon, when witness found there the Rev. Mr. King and his son, and a man named Robert Goran ; the Rev. Mr. Armstrong came in between 3 and 4, shortly after witness's arrival, and read and prayed with him ; Mr. King was going away as Mr. Armstrong was praying, and Corrigan called Mr. King and said to him, " I am going to die—I wish to receive the sacrament ; " Mr. King said, " I shall return immediately to administer the sacrament to you. " Mr. King left, and then Mr. Armstrong began to read from the Bible, and witness went home ; to the best of witness' recollection, her mother told Corrigan that there was no hope for him, and that he had better prepare for another world ; that was on Friday morning, before daybreak ; on Thursday, the 18th, in the afternoon, witness heard Dr. Reed say, speaking of the deposition, that it was necessary not to delay it any longer ; this was about 5 o'clock on Thursday ; witness was not present when Corrigan died ; when witness went to see him on Wednesday afternoon, Corrigan told her some names ; witness heard Corrigan tell others on Thursday who beat him ; he spoke of this to several witnesses ; does not recollect to whom, as she was going about the house, working ; witness cannot positively say whether he said once, or more ; he certainly said it once ; does not remember having heard him speak upon the subject after.

Rachel McKee, of St. Sylvester (aged 14), sworn.—Was at her father's house when Corrigan was brought there on the 17th of October last ; he came to the house leaning on her brother's arm ; his clothes were taken off and washed ; clean clothes were put upon him and he sat about two hours ; he had his head dressed by Mrs. Stuart and Terence Burns ; Corrigan went outside and returned very bad ; he was put to bed and he never rose from it ; was in the house all day ; witness remained in the room till 11, when she went to bed ; she saw him next morning at 5 ; he was then very bad, and began to vomit ; on the Wednesday

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evening he began to pray for himself, for his murderers, and for his wife and children ; did not hear him say or do anything else ; witness was just in and out of the room , Corrigan, on Thursday morning, about 6 o'clock, said to her brother James, in her hearing, that he was very bad and would not recover ; Corrigan, between 2 and 3 o'clock on Thursday, said to Mrs. Montgomery, " I'll never pass your door again, nor see my poor children." Witness was present about half-past four on Thursday, when she waited on the tea-table ; the doctor was asked if he had any hopes of him, and he said it was a very hard case, and he had not much hopes of him ; witness was then present ; did not know whether Corrigan heard that or no ; before tea and after tea. Corrigan said he was in great pain, and never expected to get better ; it was about five o'clock on Friday evening that he wished to receive the Sacrament before he died ; Mr. King said he would go home first and return as soon as he could, and administer it ; witness heard Corrigan say on the first day, and every day after that, how he had been hurt and by whom ; he made these statements to every-body who came into the room ; he said it often every day—Wednesday, Thursday, and Friday. Mrs. Carpenter, her mother, herself, and she thinks her brother, were present on Wednesday, about 6, when Corrigan prayed ; Mr. King had been there that day ; he was there afterwards, too ; witness, her mother, and she thinks her sister Mary, were present when deceased addressed Mrs. Montgomery ; witness was in the room most of Thursday till the doctor came ; saw him several times on Friday ; deceased's wife was there when I saw him on Friday ; perfectly sure it was on Friday afternoon deceased asked the Rev. Mr. King for the Sacrament ; the Rev. Mr. Armstrong was there at the time ; can't name anybody to whom Corrigan said on Wednesday he would not recover ; the death of Corrigan has excited a good deal of feeling in the parish, and has been the subject of frequent conversation. Witness' father asked him if he would go for a doctor and he said—No, it is of no use, he did not believe he would ever get well ; witness' brother, James McKee, was there ; there was no mention made of his going home in his cart next morning ; witness is positive of it ; Cooper was present on Wednesday afternoon ; he went away at half-past two ; witness cannot say certainly when he went away ; witness was not out of the room more than five minutes at a time from 7 to 11 ; Corrigan asked Mr. King for medicine, and Mr. King said he did not know whether he was in a fit state to take it ; Corrigan said if he (Mr. K.) had anything that he could give to give it to him ; Mrs. King afterwards brought some medicine to Corrigan ; Mrs. King told them to give the medicine twice, and her mother poured the medicine out of a bottle and gave it to him—three portions, witness thinks ; the medicine was blackish colored—the color of salts and senna ; it was a clearer all bottle ; the first portion was poured into a cup—

four spoonfuls the first time, the same the next, and witness cannot say that he got any a third time ; they were spoonfuls ; witness cleared the basins after Corrigan vomited ; there was no blood in them ; the matter vomited up was thin and green ; he vomited three or four times every hour ; a doctor was sent for, because witness' father after having asked Corrigan's permission to send for a doctor and Corrigan having refused, Mr. Harrison insisted upon the doctor being sent for ; this was on Wednesday night, about 10 o'clock ; Mr. Harrison insisted upon the doctor being sent for ; Mr. Harrison said that he was going in that way to serve subpoenas, and that the Doctor's residence was in his way ; it was Corrigan's own wish to send for a doctor on Tuesday—that it was ; it was not when Mr. Stuart suggested it ; Mrs. Stuart got her husband to go ; this was about one or half-past, and it was about 3 when the doctor came ; Corrigan was in that much pain that he wanted to send for the doctor ever after that ; that was not the time when he was becoming pale until sometime on Thursday night.

WILLIAM KING (son of the Rev. Mr. King), aged 15—Was at St. Sylvester during the Cattle Show ; knew Robert Corrigan ; the row which occurred commenced about one o'clock ; witness cannot say the precise time ; witness was from 150 to 200 yards from the row when it began ; when witness arrived on the ground, Corrigan was in the act of getting up, when a man unknown to witness struck Corrigan across the head with a stick and felled him ; he then saw Richard Kelly, and, he believes, another man named Terry Burns, dragging Corrigan off the field ; and deceased asked Kelly to let him lie down for God's sake, that he could not proceed farther. Kelly said that he must go and that he should go, and that he deserved all he got ; did not see Corrigan until about an hour or an hour and a half (about 3) at McKee's house ; did not recognize any person in the crowd ; did not see Stockings while the row was going on ; Corrigan said to witness that he had been very badly beaten ; he was then in McKee's house ; that evening or next day he said he would not get over it, because his bowels were burst ; does not remember whether that was said on Wednesday evening or next day ; when witness went down to see him on Wednesday evening at 3 o'clock, Corrigan stated who had beaten him ; witness was there when Dr. Reed was present but did not hear anything of moment ; was at McKee's at 12 and heard nothing about the sacrament being given to Corrigan ; witness left McKee's about two o'clock.

Cross-examined.—The Cattle Show was in October ; does not remember the day of the month ; it was on Tuesday, witness thinks ; witness was up about the middle of the field when he first saw the disturbance ; he was among the horned cattle, about an acre and a half distant from the row ; witness saw one Hogan knock Corrigan down with a stick ; he struck him on the head ; he saw a man named Kelly taking him away ; it is the man with

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the spotted comforter on—the fourth ; a man named Burns assisted Kelly in taking Corrigan away . Corrigan said, “ For God’s sake let me down ; ” witness was close to them then ; he said, “ Let me die on the field, I can’t go any further ; ” Kelly said, “ You God d—d beggar, you must go—you didn’t get half enough—if you don’t hold your tongue I’ll give you more ” ; they dragged Corrigan away and set him upon some pine logs near a farm house ; the people were kicking and trampling upon Corrigan’s beaver hat were he had been beaten ; this was when Corrigan was seated on the pine logs ; witness saw Stockings after this raised from the ground by his brother and brother-in-law ; after leaving the place where Corrigan had been beaten, the crowd ran away to Machell’s house ; saw P. Donaghue in the crowd running to Machell’s house ; identifies him ; saw P. Donaghue on the ground ; He was rejoicing ; he was jumping on the ground ; he said, raising his hands, “ Give me my hands, reeking in Protestant blood ; ” they would have more of it before night ; did not see P. Donaghue strike any one ; saw another Donaghue in the crowd, who he does not think is at the bar now ; might have seen others of the prisoners there, but can’t say who they are.

By Mr. O’FARRELL.—Witness has told all he knew ; Patrick Donaghue was on Machell’s steps when he was jumping up and exclaiming as witness has described ; does not remember having seen the prisoner Kelly at Machell’s door, challenging any one to fight ; saw Kelly on the threshold of Machell’s house ; witness was sure that it was Pat Donaghue that said, “ Look at my hands,” etc. ; did not hear Kelly saying anything else ; only mentioned Patrick Donaghue and Richard Kelly ; these were the only two, among the prisoners, whom he saw going towards Machell’s house ; swears that it was Corrigan’s hat that was being kicked about, because he heard many people say so afterwards.

LAURENT PAQUET, J. P., of St. Sylvester, sworn.—Remembers the Cattle Show at St. Sylvester, on the 17th October last ; he did not know Robt. Corrigan, before that day ; on Thursday, about 7 o’clock at night, he went to Andrew McKee’s house, having been sent for to take Corrigan’s deposition ; he found Corrigan in his bed, sick ; he was extremely weak, but was able to speak well ; on entering, witness tendered Corrigan his hand and asked him how he was : he said he was not too well ; witness hoped that Corrigan would get over his illness, and he said “ May be ; ” Dr. Reed was present, and it was he who wrote the deposition in English ; Mr. Stuart was present at the time ; witness remained at McKee’s until about 10 o’clock that night, and noticed that Corrigan was continually vomiting ; he put his hand upon his stomach, and said, each time he vomited, “ its killing me ; ” when witness arrived at McKee’s he did not know that Corrigan had received any injury except a wound in the head ; witness had seen Corrigan the day before, and expected to find him a good deal worse than he actually was, from the blows which he had received

on the head ; the only knowledge he had of Corrigan's hope of recovery was when he said " may be ;" thinks he remembers very well everything that passed at McKee's and what Corrigan said relating to his condition at that time ; witness was examined as a witness before the Coroner, and thinks he remembers all that he then stated.

The deposition before the Court, being in part read, contained his statement :—" I was called on as a magistrate ; I found him dangerously ill. He told me that he did not think he would recover from the blows which he had received."

Witness—The part of the deposition now read had reference to an occurrence in the evening after the deposition had been taken. When witness went in first, he found Corrigan looking better than he expected ; but before he went away Corrigan became much worse. Witness considers a man who can get up to satisfy the wants of nature, strong enough. Corrigan could not have done so when he went away.

The Court adjourned at 9 o'clock, until 10 to-morrow morning.

QUEBEC, February 9, 1856.

By Mr. Ross.—Paquet's examination continued.

Corrigan wished to sign his name, but witness told him it was as well for him to make a cross, inasmuch as he was sick ; was not certain how often Corrigan asked for water whilst his deposition was being taken, up to the time when he was sworn to it ; thinks that Corrigan asked once for water ; whilst on his way to McKee's, witness stopped at the Rev. Mr. King's, and sent Mr. McKee, who was driving witness, to ask Mr. King to call and see Corrigan ; Mr. King arrived soon after witness did at McKee's ; Mr. King said to Corrigan that it was necessary that his (Corrigan's) deposition should be taken, in order to have the persons arrested ; Mr. King said it was a pity to leave such men at large ; this, as far as witness can remember, is all he said before his deposition was taken ; it took half an hour to make out the deposition. Mr. King was there the whole evening, and witness left him there when he went away ; witness says that the signature at the bottom of the deposition is his own, and the cross at the right of the deposition is Corrigan's cross.

Cross-examined by Mr. CHABOT.—Witness was about one and a half or two acres from the spot where Corrigan had been beaten with sticks and kicked on the day previous to witness' visit at McKee's ; this beating had taken place on the 17th Oct. ; when witness first noticed the disturbance he was about one and a half or two acres from it ; he had been judging the brood mares ; witness was then with one Dion dit Deslaurier and Richard Kelly, who were with him the judges ; Kelly had a paper in his hand and

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assisted in judging ; there were several persons around witness whom he did not recognize ; the judges had finished their work when the row was first noticed by witness ; there was one Louis Demers, a witness in this case, with us ; the witness was the person who told Deslaurier and Louis Demers that they were commencing to fight down below ; they started towards the place ; Deslaurier and Demers were first, Kelly went next, and witness was last ; Corrigan fell before any of us left the spot where we were standing ; witness saw him struck with a peeled stick on the head, but was too far off to recognize the person who struck him ; witness also saw Corrigan kicked ; Corrigan fell forward upon his face, but witness did not go up to the spot where Corrigan was ; witness stopped within three-quarters of an acre of where the row was, but while running kept looking towards the place where Corrigan was ; while witness was coming up he saw Corrigan attempt to rise ; Corrigan, in attempting to rise, received kicks and blows ; Dion, Demers and Kelly went up to the crowd, while witness remained about three quarters of an acre off ; witness also saw Peter Stockings, a neighbor of his, struck ; Stockings was 10 or 12 feet distant from Corrigan ; the fight lasted about three minutes at the most ; Stockings brother and his brother-in-law took him towards Machell's house, where he broke away from them, and wanted to go back and fight again ; Stockings was in his shirt sleeves at the time, and in a passion.

The Court—A cross-examination is not confined to the examination in chief.

(A slight altercation between the Court and Solicitor General about the absurdity of that rule.)

The Court complained of the brusqueness of manner of the Solicitor General.

Mr. Ross—Of my manner !

Mr. JUSTICE DUVAL—Yes, of your manner ! Just ask one of your friends. I have asked Mr. Justice Caron to slip in a word for the sake of peace in Court for these two days back.

Mr. Ross—The Court is surely mistaken. I have favored to treat the Court with the utmost respect ; but surely one may be permitted to remark upon the decision of a Judge in England, freely. When I spoke of "niaiseries," I spoke to the witness, &c.

WITNESS—Seven or eight persons came running up to Stockings, when they saw him trying to run away from us ; he then let a shovel drop, at his sister's request, which he had picked up, and went into the house, where there was a fight ; Richard Kelly then put these persons out of Machell's house and off the ground ; Kelly did so to prevent them from fighting ; this took place immediately after Corrigan's fight ; witness then returned to the spot where Corrigan had been beaten ; he saw Corrigan picked up, and that Kelly assisted in doing so ; there were two others whom witness did not recognize ; Kelly arrived at the spot towards the end of the fight ; Deslaurier arrived almost at the same time ; they

started, towards the fight, together ; there was but a few feet between Kelly, Deslaurier and Demers, in getting to Corrigan ; about a moment elapsed from the time that Kelly, Deslaurier and Demers came up, until Kelly raised Corrigan ; witness cannot say if Corrigan had received any blows from the time that Kelly, Deslaurier, and Demers came up ; Corrigan may have received some blows, but witness did not see any struck ; when Corrigan was knocked down a second time, Kelly, Deslaurier, and Demers had not reached the spot where Corrigan was ; he had just started from the spot where he had been judging, and had reached about half way ; the only person that witness then recognised in the crowd was Stockings, his neighbor ; witness had no doubt that Kelly had not reached the spot where Corrigan was when Corrigan was struck for the second time ; most certainly it was not Kelly that struck Corrigan—he could not have done so for the reasons above stated ; witness is not of opinion that a person could have struck a blow, jumped upon Corrigan's body and jumped off again, and given him five or six kicks from the time that Kelly came up until Corrigan was raised. The depositions of Stuart and Dr. Reed were taken to corroborate that of Corrigan, and were sent down that night by express to Quebec.

By Mr. ALLEYN—Knows Patrick Donaghue from his childhood.

By Mr. O'FARRELL—The oxen were four, five, or six acres from the place where Corrigan was beaten ; did not notice a crowd behind Machell's barn before the row.

(Adjourned for a quarter of an hour.)

Cross-examination of Paquet continued—Witness did not see there any meeting immediately before the disturbance ; between the place where the horned cattle were and where Corrigan was beaten, there was low ground—it was rocky and wet.

By Mr. ROSS—Saw Stockings struck ; he was struck when they were repairing towards the row ; Kelly was with them ; Corrigan was the first who was struck ; he was struck before Stockings ; before they started, Corrigan had received several blows ; Stockings was struck when Corrigan attempted to rise the first time ; Corrigan was struck ten or eleven times before he attempted to rise the first time ; Dion and Kelly made towards the row about the same time ; can't say which was in front ; thinks Demers came up before Dion and Kelly ; he had started before them ; witness saw Corrigan kicked when he was attempting to rise ; he did not remark the crowd leave Corrigan for an instant and run towards Stockings to beat him ; there was no necessity for the crowd to run towards him, because they were not more than from 10 to 12 feet distant from Stockings ; there were about 40 persons in the crowd, and they were close together ; he only saw Stockings receive one blow, while several were beating Corrigan ; witness did not observe that the crowd ceased beating Corrigan for an instant ; can't say whether they ceased for an instant to

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beat Corrigan ; witness, upon his oath, does not think Kelly, at any period of the row, struck Corrigan ; if Kelly struck Corrigan witness would probably have seen him.

Mr. Ross—Can you swear positively Kelly did not strike Corrigan at all ?

Answer—No ; but if he had, I would probably have seen him.

It was not said before witness that Corrigan's deposition ought to be taken before he should die ; witness took steps to have the accused arrested on Thursday ; that same night he sent an express to Quebec for a police force, and on Sunday morning, as soon as the police force arrived, he signed the warrant, and started with it at the break of day ; witness wrote several letters to that effect to the Clerk of the Crown, and to the Solicitor General ; a few days after the police force from Quebec had left for St. Sylvester ; he was not aware that steps had been taken by any one to keep away witnesses for the Crown, nor was he aware that any person had advised the witnesses for the Crown to quit the country.

Cross-examined by Mr. CHABOT—Witness asked Mr. Green for a police force to arrest the accused ; Peter Stockings returned to St. Sylvester on Friday afternoon, between 4 and 5 o'clock ; on Sunday he got 12 men to assist the police ; by railroad one can reach St. Sylvester in half a day ; there had been 6 or 7 persons beaten besides Corrigan on the day of the row, but Corrigan was beaten the most.

ANDREW MCKEE, farmer, of St. Sylvester, re-sworn.

Mr. O'FARRELL objected to a witness being brought back to answer to the same facts.

Mr. Ross—The learned Counsel is dreaming, may it please the Court. The witness is not to be examined in the same facts.

Witness.—Dr. Reed first spoke of sending for a magistrate to take the dying man's deposition ; this was about three o'clock in the afternoon, in witness' own house, and in Corrigan's hearing ; this was done because the doctor said the man was not likely to recover ; witness remembers no other reason ; witness immediately went for Paquet ; he was requested to go by the doctor ; witness told Paquet that both Corrigan and the doctor had requested him to go to him and ask him to come and take the depositor, setting forth that certain persons had abused Corrigan ; witness and Paquet called upon Mr. King, on their return from Paquet's ; witness went in and Paquet remained at the door ; the will was taken by candle light ; it was Dr. Reed who did the most of the writing ; does not remember whether Corrigan said anything about his condition to Paquet ; there was considerable conversation between Dr. Reed and Paquet, in French, which witness did not understand ; Corrigan had one turn of vomiting the first night ; his daughter Mary and several others were up that night ; but when the deposition was taken they were all ordered out of the room ; Corrigan seemed to be in great agony while the deposition was being taken.

Re-examination of Rev. Mr. KING.—Does not think the deposition was taken in the evening; it was spoken of before the magistrate was sent for; some one said that the deposition of the dying man should be taken; Dr. Reed, William McGinnis, and others were present; Paquet went to McKee's before witness did; does not remember what was said between Corrigan and Paquet, nor can he recollect what Corrigan said about his health, or the probability of his recovery, to Paquet; witness thinks that he signed the deposition with a cross, because he was unable to sign a name; he is sure he signed one or other of the documents—the will or the deposition—with a cross; heard from several parties that Kelly was at the ploughing-match, and that he had taken dinner with the President of the Agricultural Exhibition, as he had done on the previous day; the object of the deposition was that the murder should be brought to the knowledge of the authorities, that the murderers should be punished; the police were not sent for in a message accompanying the deposition, to my knowledge.

Mr. O'Farrell.—They were not sent for.

Mr. KING, (vehemently).—Not to the best of my knowledge, Sir.

Mr. O'Farrell.—Don't insult me, Sir.

Mr. KING.—I shall not be insulted by you, Sir. I said, in plain English, "not to the best of my knowledge."

THE COURT.—Now, you know, Mr. O'Farrell, what you got from this witness at the previous cross-examination! (laughter.)

Mr. O'Farrell, (fiercely).—Let him speak to the Court and Jury.

Witness was ordered out.

Mr. STUART.—This witness talks of murdered men and murderers, and gives opinions instead of facts. It is not to be allowed for a witness of this kind to speak as to Corrigan's condition.

Mr. O'Farrell thought the highest degree of evidence was, not his inability to write, but Corrigan's allegation in the deposition itself. The witness ought not to be asked what he inferred when there was already a sworn statement.

THE COURT.—That was not the object of the question

The Rev. Mr. KING, (recalled).—Would have been sorry to have given offence to anybody.

Mr. O'Farrell would also have been sorry to have given the slightest offence to Mr. King.

The COURT.—These gentlemen (pointing to the Counsel for the prosecution and for the defence,) are not sent here to agree.—(Laughter)

Re-examination continued.—Cannot say why the deposition taken on Thursday, unless it was because Corrigan was getting worse and worse.

A discussion here arose as to the propriety of putting a certain question, when

Mr. Ross remarked that he did not want information from either the Magistrate or the Doctor.

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Mr. O'FARRELL—No ; may it please the Court, he stands more in need of the Clergyman—(laughter.)

JOHN BRIDGET, farmer, of St. Sylvester, sworn—Remembers the Cattle Show on 17th October last ; saw Robert Corrigan at the Sheep Show, and he appeared to be judging well ; he looked well ; witness was as near to Corrigan as he was now to the Solicitor General when Corrigan fell—he had to step back lest Corrigan should fall upon him ; saw or heard nothing before Corrigan was struck ; they fell to and beat him, “ deed they did ;” there were nine or ten about him ; being lame, witness was afraid of them getting him down and he went to their backs like, when he saw a man, with a hop and skip like, jump upon Corrigan, who was lying upon the ground upon the broad of his back. After the man had hopped upon him with one foot, he hopped over him and gave him a kick in the side ; he hopped on Corrigan’s belly ; the man stepped upon Corrigan and then he gave a hop (witness suited the action to the word, and gave a hop in the box, to the amusement of the Court) Peter Stockings came up to the assistance of Corrigan, and was struck down with a bludgeon ; that’s all witness could prove, only he saw Kelly taking Corrigan away ; the dying man wanted to lie down—he said “ Oh ! let me lie down and die ; I can’t go further.” Before this, when Corrigan was down, he attempted to rise, but they would not let him, and beat him the more ; some of them “ caught hold of him, he thought, to keep him down—but it might have been the *batin* that kept him down ;” witness was not ten yards from the place ; Stockings seemed, to witness, to be stooping down to lift up Corrigan when he was struck ; do not know the man who first struck Corrigan, unless he were to see him ; he was not good at eyesight at any rate—(went close to the prisoners) ; he thinks it was the second man from the left who struck Corrigan first—Francis Donaghue). Does not know the name of the man who jumped upon Corrigan ; the man’s back was towards witness ; he wore apparently dark clothes ; he was a middle-sized man ; he appeared to be a stranger to witness ; he “ strived” to see his face ; he would have known whether the man was a stranger or not ; witness did not know the man at all ; before he saw Kelly dragging Corrigan away Kelly was in the crowd ; did not see Kelly do anything to Corrigan while he was in the crowd ; plenty might strike him without witness seeing them ; the first time he noticed Kelly was when he was taking Corrigan off the ground ; after the fight began, there were persons running from where the mares were ; witness would have known Kelly any time ; he was not among the people running from where the mares were ; witness had known him for many years. (Francis Donaghue was ordered to hold up his right hand, and answer to his name) ; witness said that to the best of his knowledge he was the man who first struck Corrigan ; the man was a stranger to him.

William McGinnis, re-examined—On Thursday afternoon was present at Andrew McKee's when Corrigan's deposition was taken ; it was between 2 and 3 o'clock. On Thursday evening, Mrs. Corrigan, Mrs. Stuart, Dr. Reed and others, whose names he cannot remember, were present in the room where Corrigan was lying ; Corrigan spoke about the deposition himself ; he expressed a wish that it should be taken ; does not recollect that Corrigan gave any reasons, at that time, for requiring his deposition to be taken. Dr. Reed said it was requisite that it should be taken as soon as possible ; does not remember any more, but thinks Mr. McKee sent for the magistrate, Paquet ; witness was in the room when Paquet entered it.

Witness was ordered out of Court by Mr. O'Farrell, Mr. Stuart having taken exception to the Solicitor General being permitted to go into minute evidence to contradict the testimony of Paquet.

Mr. Ross could not see where the learned counsel found that one of the reasons which had induced him (the Solicitor General) to bring up the witness was to make him contradict Paquet—it might be to confirm the statement of Paquet.

MR. STUART—The present examination is preliminary, with the view of obtaining a dying declaration, and the evidence is therefore not admissible.

The Court—You are objecting *in limine*, and how can the Court allow such evidence.

The witness was recalled.

Witness recollected very little that passed between Paquet and Corrigan ; does not remember anything that Paquet said ; Paquet and Dr. Reed had some talk, in French, in the room ; they then went out together to an adjoining room ; the deposition was taken after that ; he meant Corrigan's deposition against these men ; does not remember that Paquet enquired of Corrigan concerning his state ; Corrigan said in the presence of Paquet, in the room, that he never expected to get over it—he was a done man ; this could not have been said out of Paquet's hearing, having been said in a small bed room.

MR. STUART objected to the squeezing in of hearsay evidence.

The Court—The question can be put thus :—"What did Corrigan say in answer to any remark made to him by some other person, respecting the state of his health ?"

MR. CHABOT—No ! no ! may it please the Court.

Mr. Justice Caron read a case in point.

(A wrangle here arose, and continued for half an hour.)

Witness remembered no more than he had already said.

The Jury then applied for leave to go out to-morrow, but

The Court regretted that the law would not allow "so reasonable" a request to be complied with.

The Solicitor General suggested that it had been done once before by Sir James Stuart.

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Mr. O'FARRELL will make an application on Monday, relative to a violent article which had appeared in the Quebec Gazette, with respect to the trial now before the Court. He would apply for a rule on Monday. It had been written by the Reporter for the Montreal Herald, who is also one of the editors of the Quebec paper in question.

The Court Apply by rule on Monday.

The Court then adjourned, it being 6 p. m., until Monday at 10 o'clock.

QUEBEC, February 11, 1856.

(ABRAHAM RAMSAY, accused, having maliciously altered a switch on the Richmond Railway so as to cause the train of cars to run off the rails, was arraigned, when Mr. Pheaume, on his behalf, applied for his admission to bail until the day of trial; but the application was objected to by the Solicitor General. The judges would look over the depositions, and then determine as to the application.)

WILLIAM MCGINNIS again examined.

By Mr. Ross.—Did not remember saying more, either whilst the deposition was taken or after.

MICHAEL KENNEFAC, from St. Sylvester, sworn.—Remembers the cattle show at St. Sylvester last fall; there was a row in the afternoon of Wednesday; it began about disputing about judging; witness saw a man lift his hand and strike a man they called Corrigan; witness does not know who struck Corrigan with his fist; witness was from seven to ten yards off; witness could not mind what the man that was judging said, but it was to the effect that he would not judge another sheep that day; after that word the man was struck; Corrigan was struck; Corrigan was struck by a man who appeared to him to be a tall man; the first blow did not put the man down; he fell afterwards, but witness does not know whether it was from stumbling or striking; witness could not see what occurred after that as the crowd closed in around him; he was standing at their back and could not see the kicks, or rather the parties who were giving the kicks, the crowd was so thick. Witness did not see any more, because he did not look. Being required to identify the prisoners, the witness said the first is George Bannon, but I do not know him; the second is Patrick Monaghan, but I do not know him; the third is John McCaffrey; the fourth Patrick Donaghue. He knew Kelly and Patrick O'Neill; but he knew none of these people in the crowd.

By Mr. O'FARRELL.—After the row was over, witness saw Corrigan walking by himself in the field; no one dragging him.

Mr. Ross asked that the deposition taken, when Corrigan supposed himself to be dying, be admitted as evidence for the Crown

There were points in the deposition declaring the condition of the deceased. In addition to that, the deceased had stated to all the witnesses his firm belief in the impossibility of recovery. The expression of riding home in the morning, proceeded from Corrigan's consciousness of being in a friend's house and from a natural anxiety and expectation to be taken home, that he might die in his own house and pass his last moments with his family. There never was a remote hope of ultimate recovery. But he (Mr. Ross) had other and stronger evidence to adduce.

THE COURT.—If you have stronger evidence, why call upon the Court to decide now.

MR. ROSS.—The Court misunderstands me. I have further evidence.

THE COURT.—Well, then, Mr. Ross, why not bring up this further evidence at once.

MR. ROSS asked the action of the Court, independently, upon each.

THOS. MCGINLEY, Farmer, St. Sylvester, sworn—Remembers the Cattle Show at St. Sylvester on 17th October last; witness was near the brood mares; when he found what was going to be, witness ran where the sheep were, and heard McCaffrey say, "I'm damn'd if I will stand such judging!" witness went over to the sheep after having got a prize for his mare, to see if there was a chance of a prize for his sheep; in answer to McCaffrey, Corrigan said, "if you object to our judgment, I will back out and judge no more;" Corrigan passed witness behind his back, when he heard a blow given, but did not see who got it, nor by whom it was given; when witness turned around he saw a crowd, and Paddy Donaghue close to him, but whether Pat Donaghue was the giver or the receiver of the blow witness could not say; did not then see Corrigan; he (witness) shoved himself over to where Mr. Ferguson, the clerk of the judges, was; while he was conversing with Mr. Ferguson, Pat Donaghue and Richard Kelly passed, when Donaghue complained that he had been struck with a stone; the crowd were in a bustle, and witness could not see what they were at; does not know whether they were playing chinty or not; witness does not know what game they were playing; certain sure they were playing a game.

JAS. MCKEE, (re-examination)—Was in his father's house when Corrigan died; Corrigan died in witness' arms; he was in the room about 15 minutes immediately preceding his death; Dr. Reed, witness' father, Richard Goran and Stuart were present in the room during these fifteen minutes; Mrs. Corrigan was there part of that time; Corrigan was quite conscious; he asked witness' mother, who was also in the room, for a drink of water: he said, "give me a drink of water, Mrs. McKee."

MR. ROSS—State what Corrigan then said. Do not mention names; say whether he did not state, in your presence, that his death was caused by certain persons, and in what manner.

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The witness was sent out of Court.

MR. O'FARRELL—Precisely the same question was put a day or two ago, and has been already answered.—(Read former answer.) Is it possible to believe that there is anything but perjury here?

Stop, stop, Mr. O'Farrell; there must be nothing about perjury before a question is answered.

MR. O'FARRELL—It is a most extraordinary thing that every day this witness is brought back he knows a little more than he had previously stated.

MR. CHABOT said that if the witness answered in the affirmative, it would only tend to discredit him.

MR. ROSS objected to such remarks with regard to a legal question.

MR. STUART thought the course of the Solicitor General exceedingly prejudicial to the prisoners, and complained of the publication of the evidence as being calculated to bias the public mind against the prisoners. All the witnesses now knew the history of the case fully and were prepared to give testimony which otherwise might not have occurred to them. He expressed a hope that the Court would exercise more than ordinary vigilance in the acceptance of evidence. The danger to the prisoners was immense.

MR. ALLEYN—The learned Solicitor General went into that portion of the evidence relating to the declarations of Corrigan two or three days ago, and had no right to go back again.

MR. ROSS contended that if the witness committed perjury his evidence would be valueless; but it was clear, from the course which the prisoners' counsel were pursuing, that they apprehend evidence will be elicited which may be dangerous. (He read an extract from M'Kee's previous evidence as printed.)

Humming and ha-ing were heard, and Mr. Ross turned sharply round and complained of it.

MR. ALLEYN—We are not to be lectured thus, may it please the Court.

MR. ROSS—I do not allude to you! (Laughter.)

The Court insisted, after reading McKee's evidence, that the Crown had already obtained all that Corrigan said on Wednesday, Thursday, and Friday. The question was put, "Did you hear anything?" and the answer was, "Yes; but I do not know at what time on these days the declarations were made."

MR. JUSTICE CARON understood the previous answer covered the whole time, and it would be unjust and illegal to call the witness again and require him to give another answer.

MR. ROSS.—The question was rather one of detail than designed to show the state of his health.

RICHARD STUART recalled.

Re-examined by MR. STUART.—Had heard part of the evidence published in the newspapers read; there were a few of the witnesses present.

MR. JUSTICE CARON.—The testimony of the witness cannot be refused on that account ; but the Jury may take the circumstance into their consideration.

MR. ROSS.—The consent of the counsel for the defence was given for the publication of the evidence.

A slight altercation.

By MR. ROSS.—Witness was present at Andrew McKee's for a few minutes—about six to eight—in Corrigan's bedroom, between 6 and 7 o'clock in the evening, before Corrigan died ; there were present—McGinnis, James McKee, Andrew McKee, Wooder, and some others ; some words passed between Corrigan and some one in the room, during these fifteen minutes ; it was to Dr. Reed and James McKee ; these words had no connection with the beating nor with the persons who had given it to him ; Dr. Reed told James McKee to ask Corrigan if he was in the same mind that he was all along as to the same persons that he left his death upon ; the question was put to Corrigan by James McKee ; Corrigan gave an answer ; Corrigan was quite sensible.

By MR. O'FARRELL.—There was no conversation between McKee and Corrigan at that time, but between Dr. Reed and James McKee ; Dr. Reed told McKee to ask if Corrigan was of the same mind that he had all along been as to the men whom he left his death upon ; Corrigan answered, " yes, he was ; " Dr. Reed was in the room ; Corrigan was speaking about a minute or so ; that was four or five minutes before witness left the house ; Corrigan was lying on his back in bed ; Corrigan did not, while witness was present, ask for anything ; witness, when Corrigan spoke about the cause of his death, was holding the basin while Dr. Reed was dressing his head ; did not, to the best of his knowledge, swear that Corrigan said nothing on Friday morning when previously examined ; Corrigan said, however, nothing to witness, and he might have sworn that ; witness is positive that Corrigan gave his answer while witness held the basin and Dr. Reed was dressing his head ; Corrigan only spoke of one person.

MR. ROSS objected to any question being put as to the tone of voice in which Corrigan spoke.

MR. O'FARRELL.—We are upon issue ; I want to show that the witness is incompetent to give an opinion, and is not to be credited ; the prisoners must have the benefit of any doubt ; the jury must already have seen enough to show that there has been a something.

THE COURT.—Less time will be lost by allowing the question to be put ; it is a matter of life and death with seven men.

WITNESS.—Corrigan spoke neither very loud nor very low ; it was not so loud as usual, but any person in the room could hear him ; Mrs. Corrigan had been crying in the room, but was out, witness thinks, at the moment ; witness did not know whether she went away so that her cries might not be heard nor her tears seen ;

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witness saw Andrew McKee in the room, but cannot tell whether he stood at the foot of the bed or where witness was ; to the best of his knowledge witness was on the left side of the bed and McKee was on the right.

The Court adjourned for a quarter of an hour.

WITNESS.—There was but one person spoken of in Corrigan's answer—upon him he left his death ; there was no other but that one person ; Corrigan was lying upon his back at the time, and Dr. Reed had his hands upon Corrigan's head, dressing it ; when Corrigan charged this person with his death he was speaking to James McKee ; Andrew McKee, the son, was present at the time ; he was either at the foot of the bed or at the room-door ; can't recollect the names of any other persons present when Corrigan spoke ; when Corrigan spoke James McKee was on one side of the bed, and witness was on the other ; McGinnis was back and forward in the room ; witness saw him in the room when Corrigan spoke ; witness rather thinks McGinnis was at the foot of the bed when deceased spoke, but is not certain.

By Mr. Ross.—When Dr. Reed told James McKee to put the question to deceased, thinks he put the question immediately.

ANDREW MCKEE.—Examined by Mr. Lelievre on the part of the Crown—Witness last saw Corrigan on Friday evening, between six and seven o'clock ; was with him when he died ; believes deceased was perfectly in his senses until the last moment ; the last words he spoke he asked witness for a cup of water to drink ; Dr. Reed was standing in the door that communicated between the two rooms ; the doctor then told witness' son, James, to ask Corrigan if he was of the same opinion as when the deposition was drawn ; the doctor then stepped into the adjoining room—the question was asked, and Corrigan answered ; the doctor was, probably, ten minutes out of the room ; this happened not more than 20 minutes before Corrigan's death ; witness can swear that when the question was put by his son and the answer was given by Corrigan, the doctor was out of sight in the adjoining room ; knows Mr. McGinnis well ; can't say whether he was present when deceased answered the question ; saw him in the room some time during the evening of Friday ; he was there between four in the evening and dark.

Mr. Ross wanted to recall Andrew McKee, but it was objected to by the prisoners' counsel, and a note made of the objection.

Mr. Ross asked that the deposition made by Corrigan might be read ; the expression used in the deposition was that Corrigan was dangerously ill.

The Court perceived that the object of the Counsel was to lay the deposition before it, so that it might be stated whether it should go as evidence to the Jury or not.

Mr. Ross alluded to the evidence given by Mr. Stuart, Miss McKee, and others, to show that the deposition should be received as testimony against the prisoners. Extraordinary questions had

been put to Corrigan while he was on the brink of dissolution, to ascertain from him if he was still of the same mind, and the reply being in the affirmative, gave an importance to the deposition which it might not otherwise possess.

MR. CHABOT—It was very extraordinary that for several days the prosecution had been endeavoring to obtain the production of this deposition as evidence. There were circumstances which ought to shake the Court both in the evidence of Dr. Reed and in that of the Rev. Mr. King. The complaint was made to the Rev. Mr. King that Kelly, who was said to have dined with the President of the Agricultural Society, was not arrested. The deposition was not made in view of approaching dissolution, but simply with a view to the arrest of Kelly. There were two persons brought to testify to facts of which no one could be so cognizant as Dr. Reed himself.

MR. O'FARRELL did not exactly understand the motive of the application made by the Solicitor General.

MR. ROSS asked for every deposition made by Corrigan from first to last.

MR. O'FARRELL wanted to know what change had taken place in the relation of affairs since Thursday. The only part in Mary McKee's evidence which went to show an idea of impending dissolution, was the words to Mrs. Montgomery—"I shall never see my children again, and will never pass your door again." Could it be believed that the man who refused to make his will and delayed the sacrament some time afterwards, was aware that he was at the point of death? It was quite impossible, even if Mary McKee's evidence is to be implicitly relied on, that Corrigan had any such idea. Miss Rachel McKee spoke of the murdered man praying for his murderers; yet, afterwards, he would neither see his wife, nor his children, nor send for a doctor, because he thought he would be able to ride home in the morning. The probability is, (as otherwise the discrepancies in the evidence of Edward and James McKee, and of their sisters, could not be accounted for,) that it was the Rev. Mr. King who prayed for Corrigan's murderers. It is astonishing that words which produced such an effect upon Rachel McKee should have altogether escaped the attention of educated persons. The idea of putting a bed in Corrigan's cart to take him home was never thought of until lately. He then ran over the Rev. Mr. King's testimony, especially as regarded the administration of the sacrament. Rachel McKee's testimony was contradicted by the evidence of her father, her two brothers, and the Rev. Mr. King and the Rev. Mr. Armstrong. Rachel McKee could only have sworn falsely. There was a lingering hope in the mind of Corrigan when he made his deposition, else he would not have allowed himself to be tortured with medicine. The inconsistencies, or alleged inconsistencies, of several of the witnesses were, lastly, forcibly dwelt upon. He would prove that McGinnis was ploughing in the field, some four miles off.

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MR. STUART was essentially submitted to impending testimony of ing that the trial; they pathies; i than in any she—a child pressions, a distinctly t praying for Corrigan's Stuart req had been f it is quite strong hope

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when Corrigan died. The witnesses had all wickedly invented things that had never occurred. He begged that the Court would give the merciful benefit of a doubt to the prisoners, and refuse to allow the deposition to be read.

Mr. STUART—The importance of the present (inaudible.) It was essential that declarations of the nature required now to be submitted should be made with a clear sense or apprehension of impending death. Authorities were read. In alluding to the testimony of the woman McKee, he said he could not help remarking that the McKee family played an important part in this trial; they came here undoubtedly full of prejudices and antipathies; in this family, then, must have been more conversation than in any other; and however intelligent Miss McKee may be, she—a child of fourteen years—could not get rid of certain impressions, and even uttered them upon oath; it was she who swears distinctly to a fact not alluded to by any one else—Corrigan's praying for his murderers. But the young lady even testifies to Corrigan's anxiety that a doctor should be sent for, and that Mrs. Stuart requested her husband to go for one. Corrigan, doubtless, had been frequently in similar rows as that which killed him; and it is quite impossible to believe that, in this case, he had not strong hopes of recovery to the very last.

Mr. Ross would be very brief in his remarks. Had there been hope of Corrigan's recovery it would have been much more humane to have deferred it. Unless it were perceived that Corrigan was dying, what use was there for the deposition at all, when the deed was done in the broad light of day, and innumerable witnesses could have been obtained. Dr. Reed, it was proved, urgently required the deposition to be taken, lest there might not be time to take it all. In justice to Stuart, he will ask him whether he was offered a sum of money to go home.

Mr. JUSTICE CARON—The Solicitor General wants the opinion of the Court upon all the points on which they have already decided with regard to the admissibility of the dying declaration of Corrigan, because additional evidence has been submitted. He (Mr. Justice Caron) had given the subject all the attention he was capable of, with the view of altering his decision, if wrong, but he was compelled to say that he could not alter it. He had not seen a case in the books in which preliminary evidence was so strong as this. We have repeatedly heard Corrigan's declaration as to his opinion of his fate; but he (Mr. Justice Caron) had never seen a case in which these declarations were so cut off—done away with. There was the refusal to have a doctor, and the hope of being able to go home, which was sufficient to convince any one that the declarations of being murdered were only the expressions of a man who had been beaten badly, and who used expressions calculated to elicit pity by attracting attention to his sufferings. There surely was no idea in Corrigan's mind of impending death. The evidence of Mrs. Stuart, and of Rachel McKee had produced

a great impression on his mind on account of the frankness and intelligence with which it was given. There were facts showing that Corrigan was, at times, under the impression of coming death. The expressions about his children were so touching and so strong, that only for the evidence of Paquet, (there certainly were discrepancies between his declarations in the box and in his deposition,) and unless he (Mr. Caron) took upon himself to say that he had forsworn himself, he would have considered that Corrigan believed himself to be dying. But perhaps held out hopes of recovery and Corrigan said "it may be." There was hope surely. If the books were referred to, it would be observed that upon a person being told that he might recover, and saying "I am satisfied," were surely less expressive than any hope of recovery or the words "it may be." He was decidedly of opinion that Corrigan's previous declaration ought not to be received. The Court did not perceive any essential difference in the testimonies of McKee and of Stuart with regard to the position of Dr. Reed at the death-bed. At such a time people are not likely to attend much to details, and each may perceive something that another has not observed. The last declaration of Corrigan, in the opinion of this Court, ought not to be received.

MR. JUSTICE DUVAL—There is a distinction to be made in this case between the declaration made on Monday and Thursday and that made on Friday. Dying declarations should be received with the greatest caution, less one man should be hanged for another by a mistake of the dying man as regards identity. The statements of a public officer, such as Paquet, who, from his letter to the Clerk of the Crown in evidence, had no desire to suppress any of the facts, is not to be heedlessly thrust aside. He tells very distinctly that when Corrigan was told that he might recover, he said, "it may be." There was some faint hope then; but there was another time, however, when mortification had set in and the hand of death was upon Corrigan, when his declaration could only be looked upon as a dying declaration. There was no contradiction in the testimony of the witness of any importance. In courts of justice such contradictions, without ill intention, were constantly occurring. The dying declaration goes only to the jury to be weighed by them, and it is for them to attach what credit to it they please. The declaration made by Corrigan, after he was quite conscious of approaching dissolution, must be received.

JAMES MCKEE recalled.

By MR. ROSS—A conversation took place between five and ten minutes before Corrigan's death; Corrigan was then perfectly sensible; Dr. Reed requested witness to put a certain question to Corrigan.

MR. O'FARRELL—I'll object to your next question.

MR. ROSS—There he is objecting to my question before he hears it.

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THE COURT—Ask any question you please and Mr. O'Farrell tells you he will object.

WITNESS—Dr. Reed and witness went into the room, a few minutes before Corrigan's death, where Corrigan was; Dr. Reed went in to dress the wounds on Corrigan's head; Dr. Reed requested me to ask Corrigan if he was of the same mind then as he had been with regard to leaving his death on Richard Kelly, the prisoner; witness did not put the question as soon as Dr. Reed told him, and Dr. Reed told me a second time to ask what he told me; he went immediately and asked him; this was probably five minutes after the first time he told him; witness then said—"Mr. Corrigan, are you of the same mind now as you have been."

MR. O'FARRELL objected to Corrigan's answer.

Witness ordered out.

MR. O'FARRELL—The witness has already been interrogated as to the question put to Corrigan, and has replied that, after a certain time, Corrigan made no answer. Bringing back a witness to get another answer was opening the door to perjury.

JUDGE DUVAL—It will be for the witness to explain any discrepancy. He must be at present examined.

WITNESS—Corrigan turned his head round and said, "About what?" Witness replied, "About leaving your death upon Richard Kelly." Corrigan said, "Yes, I shall never alter my mind about that." Mr. Stuart, Robert Goran, and his father, were present, and he believes Dr. Reed stood at the head of the bed. Within five or ten minutes after this Corrigan died. Witness was standing close to the bed when Corrigan answered him.

By MR. O'FARRELL—Witness: Corrigan's illness produced considerable effect upon him. Corrigan, on his death-bed, asked witness to see justice done to him, and witness said—"Yes, as far as in my power." Corrigan did not say what he meant by justice being done to him. Witness formed one of a party of 15 who went to St. Sylvester to arrest some of the prisoners. He did not go in pursuance of Corrigan's injunction, but at the request of the officer who held the Coroner's warrant, who said he would compel him, but would rather have volunteers. Witness did not tell Mr. O'Farrell that he went in search at Corrigan's request to witness to see justice done to him. Does not remember when he last saw William McGinnis; saw him in his father's house after the deposition was made on Thursday night. Saw McGinnis some time on Friday morning, but at what hour he cannot say; the will was made by daylight on Thursday afternoon.

DR. REED called.

By MR. LELIEVRE—Was present when Corrigan died. It was about dark—say six o'clock. Was present when somebody in the room put a question to Corrigan; thinks it was James McKee; witness suggested the question. He told James McKee to ask Corrigan—the precise words he could not recollect, but something to this effect—if he (Corrigan) were of the same mind as he had

been the evening before, with regard to attributing his death-blow to Kelly? McKee put the question. The answer was "Yes," or something to the effect that Kelly was the person who gave him his death-blow. The other persons present heard the reply better than witness did, as witness was further off than they were.—McKees, father and son, were supporting Corrigan; there were some other persons present. Corrigan died a few minutes afterwards.

Cross-examined by Mr. O'Farrell.—He brightened up a little about three in the afternoon. He had a little pain about half-past three, when he vomited a little; he told witness that at three o'clock he felt easier. Did not hear anything escape from any person, except from his wife, who seemed to think her husband was getting better; did not think Corrigan overheard her.—Witness never heard him say he was going to die, nor does he believe that he himself thought so a couple of hours before his death. Witness saw by Corrigan's face, a couple of hours before his death, that he had made up his mind to die.

The Court adjourned until 10 o'clock to-morrow morning.

QUEBEC, 12th February, 1856.

At the opening of the Court the Solicitor General said there had been so much time consumed in arguing points of law yesterday, that he could not proceed to the medical testimony before the afternoon.

RICHARD STUART, the witness under examination when the Court rose yesterday, was recalled, and, being questioned by Mr. Lelievre, continued—Between 6 and 7 o'clock on the Friday evening, while I was at McKee's, James McKee put a question to Corrigan in my presence. He asked Corrigan the man he left his death upon; Corrigan answered that Richard Kelly was the man. It was Dr. Reed told James McKee to put this question. I was then standing at the bedside, as I have already stated, holding the basin for the doctor. William Woodward, William McGinnis, Andrew McKee, his son Andrew, James McKee and Gorham, were all within hearing; there were others, whose names I do not recollect.

EUSEBE DROUIN, of St. Sylvester, called.—He deposed (in French)—I was at the Agricultural Exhibition held, I think, on the 17th October last. A disturbance took place there; but I do not know how it originated. The first thing I saw was Peter Stockings being struck on the head with a stick, I do not know by whom. The blow knocked Stockings down. Saw some persons strike another man whom I was told was Corrigan; he was down when I first saw him struck; I cannot say who struck him. Observed Corrigan get up, and another man took him by the throat

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or neckcloth and struck him with his fist on the head. The man who did this was the prisoner Richard Kelly. One or two minutes elapsed between the time Corrigan was down and when Kelly struck him. The prisoners Patrick Donaghue, Patrick O'Neill, and Francis Donaghue, were in the gang, and I recognised them, but I did not see them do anything that I remarked; believed, however, they were kicking up the row.

QUESTION.—What reason have you for this belief? Defence objected.—Witness should speak to facts only.

Crown contended the reason might be matter of fact.

Court decided that the witness could be only questioned as to facts inducing the belief.—The witness had a *façon parler*, and it would be better to explain to him that impressions could not be given in evidence; he, no doubt, meant something stronger when he said "*Fai cru*."

Witness recalled.—The prisoners were near Corrigan, and had an excited appearance, as if they were taking part in the quarrel; they seemed as if they wished to fight and kick up a row. The other persons standing about were quiet, but those looked as if they were angry. None of the prisoners I have named had anything in their hands. Corrigan fell twice on the ground. After he fell the second time some persons seemed desirous of taking him away, but he did not appear willing to go. Do not know whether he fell himself or was knocked down: he fell face downwards. While he was on the ground one of the prisoners close behind struck him a heavy blow of a stick on the loins. Corrigan had then his head on the ground, was on his knees and stooping, his body being curved; this blow knocked him flat, face downwards. Some person then kicked him in the sides. Cannot recognize those who struck him with the stick. Subsequently perceived a man throw himself upon Corrigan to save him from the blows; do not know who this person was. Corrigan was afterwards raised by two men who caught him under the arms to take him away; I am almost certain Richard Kelly was one of those two, I did not know the other. After they had taken Corrigan a little way, they carried him by the legs and arms. I then lost sight of them. Suppose Corrigan was carried in this way because he could not walk; did not see him after. Noticed some blows on his head which appeared to be cuts.

Cross-examined by Mr. CHABOT.—Have explained the principal part of what I saw on the occasion. Was at a distance of about half or three-quarters of an arpent from the row when it began. The crowd pursued Stockings, who retired defending himself with his hands as well as he could. Two of the men beating Corrigan wanted to lead him off, when he appeared to refuse to go, as I have already stated. The reason I have for thinking he was unwilling to go, was, that when the two men had him by the arms leading him off, he leant back as if he did not want to move: he did not appear to have much power to do anything. About a

minute elapsed between the first and second time he fell. Have known the prisoners I have named for some years past ; do not know whether it was one of them struck the violent blow with the stick I have already mentioned ; do not think it was. Corrigan lay on the ground the second time for about two minutes. I had him constantly in sight while he was being beaten. Was in a position to see if any person had jumped upon Corrigan ; saw no one jump upon him while he was on the ground the second time ; there was a crowd of people, and a person might have done so without my seeing him. Hard for me to say I would have seen him, on account of the crowd. Was close to the line fence, the others also were close to the fence. Know the witnesses Demers and Deslauriers and Paquet ; saw them some ten minutes before the row ; they were judges, and examined the horses. The horned cattle, that is, the nearest of them, were two acres from the row. There was a good deal of confusion in the crowd during the fight. Am not certain whether Kelly was near Corrigan's head, but I think so. When I saw Stockings, his brother and a woman wished to get him away. He seemed unwilling to go. As they were taking him to Machell's house the number of persons about him increased. Was near the fight ; there might have been nearly 50 persons there in all ; there was no fight but that one.

By Mr. O'FARRELL—Did not see Richard Stuart in the fight. Stockings was the first I saw struck. About five or ten minutes before the fight, saw Francis Donaghue at the door of his tent, which was about an acre and a half from Machell's bar.

ELIE NOPPER called—Jean Baptiste Nopper, a witness examined in this case, is my brother. Have heard of the row at St. Sylvester, but was not there.

At the suggestion of Judge Duval, the examination of this witness was postponed.

QUEBEC, 12th Feb., 1856.

RICHARD STUART,—Recalled.

By Mr. LELIEVERE—Saw Corrigan on the day on which he died ; witness was there between 6 and 7 o'clock ; while witness was present, James McKee put a question to Corrigan in his (witness's) presence ; James McMee asked Corrigan the man that he left his death upon ; Corrigan said it was Richard Kelly that he left his death upon ; the question was put to Corrigan by Dr. Reed, through James McMee ; witness was standing at the bed side, as witness had before stated, holding the basin ; there were present James McKee, Andrew McKee, Woodward, William McGinnin, Goram, who were all within hearing.

EUSEBE DROUIN,—Farmer, St. Sylvester, sworn—Was present at the Cattle Show in the month of October last ; there was a row, but witness did not know how it commenced ; the first thing

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he saw was Peter Stockings struck with a stick on the head, but witness does not know who gave the blow; the blow threw him down; he was left there; the crowd were striking another person; witness did not see the body of Corrigan, because he did not know him; saw a man struck, whom witness was told was Corrigan; witness does not know who struck Corrigan while he was down; witness saw Corrigan up again, and he saw a man take him by the throat and give him several blows on the head; saw Corrigan kicked while down; witness could not distinguish upon what parts of the body Corrigan was kicked, but thinks it was upon the side; thinks it was Richard Kelly who caught Corrigan by the collar and struck him on the head with his fist: the time that Corrigan was down and the time that Kelly struck Corrigan with his fist, may have been between one and two minutes; he knew around Corrigan, Kelly, Pat Donoghue, Francis Donoghue, Patrick O'Neill; they were present among the crowd, but witness cannot say whether any of them struck except Kelly; they were near Corrigan, and appeared to be in an excited state, as if they were quarrelling; they had the appearance of persons who wished to fight; they were agitated; while the other persons around were quiet; none of the prisoners had anything in their hands to witness's knowledge; witness saw Corrigan taken away, and he either would not go willingly, or he sank down and could not go; witness saw him sink down to the ground twice, falling on his face—face down; witness does not know if Corrigan sank himself or was crushed down by those who were leading him out of the crowd; while he was down with his face to the ground, a person struck him with a stick, who was behind; it was a very hard stroke upon the loins, which caused him to start; Corrigan had his back arched; the blow crushed his belly to the earth; some one then gave him kicks in the side, but witness does not know who; witness could not recognise the man who gave Corrigan blows with a stick; he saw a man throw himself upon his belly to cover Corrigan from the blows, but does not know who this man that was trying to protect Corrigan was; he does not know certainly whether they did not strike the man on the top of Corrigan, in order that they should have more liberty to hit Corrigan; he is nearly certain that Kelly was one of the two persons who was striking, but witness did not know who the other person was; they raised Corrigan up and took him away, and witness then lost sight of him; they took hold of Corrigan under the arms: when they got a short distance they took Corrigan by the legs and by the arms and carried him away; they carried Corrigan in this way, because he was unable to walk; witness never saw Corrigan after he was carried away; witness remarked that Corrigan had received some blows on the head; his head appeared to be cut.

Cross-examined by Mr. CHABOT.—Has explained the principal things that came under his notice; witness was about three quarters of an acre off, when the row commenced; there were a great

many persons on the ground ; some were and some were not agitated ; the first thing that witness saw was Stockings retiring backwards, with a certain number of the crowd after him ; he appeared to be warding off blows with his hands ; witness thinks Stockings had only a waistcoat on ; has no doubt of it ; does not think he had a coat on ; when Corrigan was raised from the ground for the first time, two men of those who were beating him wished to take him away ; one was on each side of Corrigan, and had hold of his arms ; witness might know them, but he could not on his oath state who they were now ; when they took hold of them, one on each side, he appeared to witness to lay back as if he did not wish to go. Corrigan could not move his arms ; he appeared to witness not to have much power to do anything ; there may have been a minute between the first and second time that he fell ; witness does not recollect who the person was that struck Corrigan on the back with a stick ; he has known the prisoners, whom he has named, for several years, and he cannot say which, or if any of them, struck the blow with the stick ; witness does not think that it was one of the four prisoners he has named, who struck the blow ; witness has no doubt that it was not one of those whom he has mentioned ; when Corrigan fell the second time, he remained a minute or two upon the ground ; witness saw Corrigan all the time—he kept his eye constantly upon him ; did not see any one jump upon Corrigan while he was on the ground the second time ; a person might have jumped upon him without witness seeing him, as there was a crowd there, but witness was within seeing distance ; it would be difficult for witness to say ; it might have been done ; it was hard for him to see on account of the crowd of people ; witness was near the line fence, and the others were near that too, where the sheep were in a line with them ; he knows Deslaurier, Demers, and Paquet ; they were the judges of the horses ; about ten minutes before the row, witness saw them near the brood mares ; they were judging the mares, and appeared at the time to be finishing them ; the closest of the horned cattle were within two acres and a-half of the row ; the furthest from the row was off about an acre and a-half ; there was considerable confusion in the crowd during the row ; the best of his knowledge, when the man struck Corrigan with a stick, Kelly was nearest to Corrigan's head, but witness is not certain ; he did not see Paquet, Deslaurier, and Demers, during the row ; after they had done striking Stockings, they looked at him on the ground, and then they returned to Corrigan ; witness did not remark that Stockings had anything in his hand ; when Stockings was struck, a woman and Stockings' brother succeeded in taking him away, although he did not appear willing to go ; the number of people around Stockings increased as they reached Macell's house, and when there, the crowd was large ; there were about fifty persons on the ground, but they did not all take part in the row ; Corrigan and Stockings could not have jointly taken part in the fight ; they were both separated.

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Mr. Ross complained of the length of the cross-examination, with the evident intention of protracting the trial, and attaching the blame to him. It occurred to him that nothing material was being elicited.

Cross-examination continued.—Without doubt there was no fight since they beat him ; there was no other fight but that one.

By Mr. O'FARRELL.—Did'nt see Richard Stuart at the fight ; Stockings was the first person he saw struck ; there were about thirty persons round the judges of the sheep before the fight began ; he saw Frank Donaghue in his tent at the time ; the tent was about an acre and a half from the fight ; between Donaghue's tent and Macell's barn, there was between an acre and an acre and a half.

ELIE NOPPER, Farmer, St. Sylvester, sworn.—Was not at the row at St. Sylvester, in October last ; Jean Baptiste Nopper is his brother.

Mr. O'FARRELL.—It seems that the Solicitor General had an object in view in protracting this trial. It was to prop up Jean Baptiste Nopper's character. He had sent for this witness to testify to the character of another.

Mr. Ross.—He would show that Nopper was met, and that it was required of him by certain parties to move up the country, and that he was even offered money to go. He would do this to show why Nopper had suppressed a portion of the truth, in testifying before the Coroner.

THE COURT.—The best plan is to go on with the examination in chief, at present.

(Some interbabbling between opposing counsel.)

JEAN BAPTISTE DROVIN, Farmer, St. Sylvester, sworn.—Witness was at the agricultural show last fall ; there was on that occasion a great row ; when the row commenced he was with those who were judging the brood mares ; the judges were Paquet, Deslaurier, and the prisoner Kelly ; witness went within 1½ acres of where the row was ; there was a crowd where the sheep were ; witness saw that they were carrying off a man, but he could not distinguish who it was ; they were on a height, and they were taking a man downwards towards a hollow ; witness saw the man fall ; but could not see who made him fall ; he saw kicks given to him, and one or two blows with sticks ; but witness cannot say who gave them to him ; thinks he recognised Richard Kelly as one of those who struck the man in the upper part of the body ; everybody said that the man beaten was Corrigan, but witness did not know him ; he had an oil-skin coat on ; witness saw him carried off ; the men carrying Corrigan passed by him ; one was Richard Kelly ; but he did not know who the other was ; witness did not recognise any of those among the crowd who struck Corrigan, except Kelly ; witness saw Patrick Donaghue in the crowd, but did not see him strike ; saw a blow given to Stockings, but he did not know who gave it ; he saw Corrigan again with the two men, who

held him in their arms, on his way to McKee's ; Corrigan had his legs down, but did not appear to be able to walk alone ; witness did not see anything more of Corrigan after that.

By Mr. CHABOT.—It was not easy to recognise any person in the row on account of the crowd ; the crowd passed forward upon Corrigan and made him recede about half an acre ; from the beginning of the row to the time that Corrigan fell, a couple of minutes may have elapsed.

The Court adjourned for a quarter of an hour.

JOSEPH MORANEY.—Farmer, of St. Sylvester.—Witness has a slight recollection that there was an Exhibition at St. Sylvester, last fall ; knows that a difficulty took place on the occasion of the Exhibition ; witness was an acre or an acre and a half from them ; the prisoner Kelly was at the time with those who were examining the horses ; saw Kelly start towards the crowd and come up to them ; witness saw Kelly strike—witness was at a distance, however ; believes he saw Kelly strike another man with his fist in the stomach ; witness afterwards saw Kelly taking away the man that was struck, with another person ; they supported him by the arms ; does not know where Corrigan was taken to ; can't say he saw any person strike ; witness did not recognize any other person in the group of persons spoken of, because there were too many persons present.

Cross-examined by Mr. CHABOT.—Two minutes might have elapsed from the beginning of the row and the period at which the man was struck ; a quarter of an hour might have elapsed between the time that the man was struck and his being subsequently carried off the field ; after the commencement of the row the crowd moved about a quarter of an acre down the road ; there were too many persons, and witness could not see whether the crowd fought as they moved downwards ; believes he saw Kelly for the first time when the row began, about half an hour after the commencement of the row.

By Mr. O'FARRELL.—Witness did not see Jean Bte. Nopper at all ; if Nopper had been fifteen yards from the scene of the row, and alone, between Woodward's house and where the row took place, witness thinks he would have seen him, because he is a man whom the witness knows well.

CHARLES ARMSTRONG, Captain, 16th Regiment, sworn.—By Mr. ROSS.—Witness was lately in command of a party of soldiers at St. Sylvester ; was accompanied by a party of police under Col. Ermatinger ; went there to apprehend parties charged with the murder of one Corrigan : witness left on the 20th December and returned on the 25th ; Col. Ermatinger was charged with the warrant against the parties accused of the offence ; the police were out every night while witness was there, and they rested during a part of the day.

JAMES GREEN, Clerk of the Crown.—By Mr. ROSS.—Two days after witness received the deposition—thinks it was the 23rd of

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October last—he issued a warrant against the prisoners at the bar ; the warrant was enclosed and sent to Mr. Paquet, to be signed by him after the deposition of Dr. Reed should be taken to establish the death of Corrigan ; the warrant, as far as witness recollects, was given to Constable Murphy, to arrest these men.

By MR. CHABOT.—The depositions were directed to witness and Mr. Doucet ; when the depositions were first received, Corrigan was not dead.

A letter addressed by Mr. Paquet to the Clerks of the Peace, to send a party of police to arrest the murderers of Corrigan, was read in French and English.

By MR. O'FARRELL.—Cannot say whether or not the troops were charged with the arrest of those charged with the murder of Robert Corrigan.

By MR. ROSS.—Witness received two depositions with Paquet's letter ; one of Robert Corrigan, and one of Richard Stuart, on which he drew up a warrant, and sent it to Mr. Paquet.

MR. ROSS required that the depositions of Corrigan and Stuart be read, because they were drawn out by the evidence, and must, he was clearly of opinion, go to the Jury.

MR. JUSTICE DUVAL was clearly of opinion that they must not go to the Jury ; there never had been an instance in which such depositions had been received as evidence.

MR. ROSS.—Very well ;—Mr. Green, against whom were those depositions read ?

MR. O'FARRELL objected. The Solicitor General wanted to obtain indirectly, that which he was not allowed to obtain directly.

MR. JUSTICE DUVAL had no hesitation in saying that such evidence could not be adduced.

JAMES MURPHY, Constable, sworn.—Witness had occasion to go in search of those accused of the murder of Corrigan ; he was the bearer of a warrant for the arrest of Richard Kelly, Patrick O'Neil and others—there were seven of them ; thirteen policemen accompanied him ; this was on the 19th October last ; travelled all night and got up to St. Sylvester next morning. Witness sent to Paquet and asked him to get persons to go with him who knew the prisoners ; he was two days and a night in search of the prisoners. With the police, witness searched every house in the place he could think of.

MR. O'FARRELL will admit that he might have searched for another month, and would not have found them. (Laughter.)

By MR. O'FARRELL.—Mr. Paquet went with witness to procure people to accompany him in searching for the accused.

CHARLES FREMONT, M. D., Quebec, sworn.

MR. ROSS added, that while Dr. Fremont was giving evidence as to facts, Dr. Reed should be requested to withdraw.

MR. O'FARRELL.—The Solicitor-General has no right to turn his own witnesses out of Court. I do not know—

Mr. ROSS.—You certainly know very little.

Mr. O'FARRELL.—What does the Solicitor-General say? I want an explanation.

THE COURT.—There is a tone of voice in a professional man which ought to be adopted towards the Court. The request of the Solicitor-General is a very proper one, and it is granted.

Witness was the medical man who held the *post mortem* examination on the body of Robert Corrigan, at Leeds, on the 28th of October last, at the request of the Coroner. The Coroner held the inquest at the school-house in Leeds, where the body was. He examined the body; it presented no marks of decomposition; externally, witness remarked three lacerated and continued wounds on the scalp; two of the wounds were parallel to each other, an inch in length and about half an inch apart from each other. These were situated at the upper and back part of the left parietal bone; the third was on the summit and centre of the head, and was about half an inch in length. These three wounds penetrated to the bone. There was extravasated blood around each of them; there was, besides, a severe bruise or contusion of the scalp behind the ear, witness thought on the right side of the ear, but is not positive as to the side; these wounds and bruises were made by some blunt instrument, such as a stick or a stone; there were, besides, a great number of bruises about the body, more especially about the right armpit, the chest, the fore part of the neck and both arms; there were also some bruises about the back. Witness then examined the body internally, and did so by first opening the head; in removing the scalp, he noticed there was no fracture of any of the bones of the skull; he then removed the upper portion of the skull, and found neither extravasation of blood nor effusion of any quantity of fluid; the general feature of the brain was that of congestion; there was no lesion of that organ. The chest and abdomen were then opened.

By Mr. O'FARRELL.—In reference to the gentleman in the box, he would request that the translator be requested to translate as the witness gives a very free translation in French.

THE COURT.—Dr. Fremont speaks both languages, and is sworn to speak the truth in both. If, in his French version, there is a difference in his English version, you can point it out when it occurs.

Mr. O'FARRELL resisted the Solicitor General's request to put Dr. Fremont's deposition into his hands.

THE COURT.—There was no such request.

Mr. O'FARRELL.—Everybody but your honor heard it.

THE COURT.—Mr. Ross, did you make a request?

Mr. ROSS.—No; I made only a remark *en passant*.

THE COURT.—Go on, witness, if you please.

Witness.—The organs of the chest were remarkably healthy; there was some slight adhesion of one of the lungs to the inside of the chest, but it was of very old standing, and of no importance

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whatever. On opening the abdomen, a large quantity of liquid fecal matter and coagulated lymph were found in the cavity of the abdomen; this amounted to fully three pints of liquid. Witness then examined the organs of the abdomen carefully, and commenced by examining the stomach, and traced the alimentary canal downwards; at the lower extremity of the small intestines there were evident signs of inflammation.

Mr. O'FARRELL said that Dr. Fremont had stated more in French than in English.

Witness meant by inflammation, a red coloration of the ingesta; on examining closely this inflamed portion of the ingesta he came to a rupture in the ilium; that rent was about half an inch in length, was oblique in respect to the intestine, and extended from right to left; it was situated at about 15 inches from the termination of the small into the large intestine, and was situated opposite to the vertebral columns. There was extravasated blood within the tissues of the intestines to the extent of about one inch on each side of the rent; witness remarked no attempt at union in the wound; the lining membrane of the abdomen and external covering of the intestines gave evident signs of recent and high inflammation; and in connection thereby had become exceedingly brittle. At this period of the examination, witness proceeded to examine the stomach itself, and the whole length of the alimentary canal and intestines. The stomach contained a very small quantity of serous fluid. The internal surface was quite normal. The same was the case with the intestines, with the exception of the immediate vicinity of the wound, which was discolored by extravasated blood. The other organs of the abdominal cavity were also carefully examined, and were found to be remarkably healthy. Nevertheless, the peritoneum was influenced as before stated.—The general appearance of the body was remarkably healthy; the inflammatory action was most undoubtedly the result of recent injury; nothing but a violent external injury could have produced the rupture which witness had mentioned; sudden and severe pressure would produce such a rupture; a severe blow or kick would do it; this particular rupture, he would say, was inevitably mortal; there are different characters of wounds, such as slight, severe, dangerous, and inevitably mortal.

By Mr. O'FARRELL.—(Cross-examined).—The ilium terminates at the sacrum a part of the colon, and the name of it is not the "crassa inanimatum." The colon comprehends the whole of the large intestines; the distinguishing marks are extravasation of blood in the one case, that is, wounds inflicted before death, and none in the other; in wounds inflicted two hours after death, except in a depending part of the body, there is no extravasation; the post mortem examination was made on Tuesday the 23rd, and the man had died on the Friday previously; the amount of congestion met with in the brain was such as is not unfrequently met with in the most healthy person; the blood vessels of a

man who had died of hemorrhage ; the congestion was enough to note it, but not to the amount as to lead one to suppose that the least pressure would rupture a blood vessel ; the heart was neither full nor empty ; does not remember whether any one portion of his heart was fuller than the other ; remarked nothing at all about the liver, not the least symptom of derangement ; there was some blood in the heart, but witness cannot say how much—he did not take particular notice ; he did not examine the fauces ; witness did not remark any contusions on the organs of generation ; did not remark any contusions on the natural surface of the abdomen, anteriorally ; there were several contusions on the back, occasioned by some blunt instrument ; none of these corresponded with the rent of rupture in the bowels—none were so low down ; the rent would be half-way or thereabouts (externally) between the naval and the bones forming the bottom or basin of the body to the left, obliquely downwards ; the discoloration was quite defined ; it was as much at its external edge as at its innermost part ; it was an even discoloration, without either lines or spots ; the inflamed appearance of the illium led him to find the rupture : the other discoloration was the result of extravasation, and a further inflammation, the effect of inflammatory action, extended three or four inches in the upper part from the rupture and a lesser distance from the lower part towards the large intestines ; the length of the discoloration might be three or four inches one way and two or three the other ; there was no black line around the edge of the rent noticed by witness—nothing darker than the innermost discoloration ; the discoloration was more of a purple than a black color ; the outer edge was of a bright red ; the expression “ its connections were brittle ” was a technical expression, intimating that the peritoneum was so loose that it could be readily peeled off ; found in the stomach a small quantity of serous fluid, say 2 ounces ; there need be no inflammation to leave serous fluid in the stomach—a whitish, milky fluid, quite innocuous ; it would have been a work of supererogation to have made an analysis of the contents of the stomach : the cause of death was most evident ; it was not in the head, nor in the chest, nor in the stomach, but in the intestines, and external to both ; he examined first the heart, and then the stomach ; he had nothing before him but the evidences *post mortem* ; he knew that it was because Corrigan was dead that he was required to accompany the Coroner ; the peritoneum was inflamed in the same degree all over—in all its parts ; there was some thickening and loss of transparency of the peritoneum ; there was no other sign of inflammation on that membrane, but in the quantity of congealable lymph there were undoubted signs of inflammation ; there were about 2 pints ; the fecal matter was easily distinguished by the smell ; the intense inflammation of the peritoneum must have been caused by extravasated fecal matter during life, because inflammation is a vital action, and could not have been excited by extravasated fecal matter af-

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ter death ; he certainly, decidedly, believes that this extravasation did not take place after death ; he did not know that he had any other reason for this opinion ; believes that no portion of the 2 pints could have been extravasated after death ; undoubtedly there can be inflammation of the peritoneum not caused by the extravasation of fecal matter ; he inferred from the fecal matter present there had been intense inflammation, and as there was nothing that could produce such intense inflammation as extravasated fecal matter ; the presence of that matter indicated quite sufficiently the cause of death.

Mr. O'FARRELL thought these were symptoms to show poisoning.

THE COURT.—You can ask the witness the question ; but it would be better to defer such a question until a future cross-examination, when you have entered upon your defence.

Witness.—With reference to the circumference of the rupture, the length would be the twelfth of an inch, and with reference to the diameter, it would be one-fifth of the intestine.

The Court adjourned at 6 o'clock until 10 a.m. to-morrow.

QUEBEC, 13th February, 1856.

Cross-examination of Dr. FREMONT continued.

By Mr. O'FARRELL.—The largest portion of the rent was in the cavity of the abdomen, in the proportion of two-thirds, more or less ; the milky, whitish fluid in the stomach had no smell ; he neither smelt nor tested it ; the fluid in the stomach proceeded from the natural secretions of the body ; the appearance of the stomach was such as might be considered perfectly healthy ; there was an absence of redness and of ulceration of the mucous membrane ; it was of a yellow-white color ; the inequalities of its mucous coat were of the same color, and covered with the ordinary secretion to protect the tissue ; witness is positive that the color of the stomach was of a whitish-yellow, and not red ; the inner coat of the intestine near the wound was tumefied and somewhat vascular for an inch or two before it ; the inner coat of the gut, downwards and upwards of the wound, was of a natural pinkish color. The edges of the rent were ragged and irregular, and no attempt at union had taken place ; thinks that the mucous coat and the outer coat were rent to the same extent—parallel. The whole fecal matter which witness observed was liquid. The time in which the illium is full or empty, after a meal, will depend upon circumstances—in diarrhoea, digestion is more active : there is always matter in the illium in a healthy man—witness thinks so ; the matter in the illium, to its termination into the large vessels, would be liquid ; most undoubtedly, in a rupture from pressure, the inevitable consequence would be extravasation of the fecal matter.

Mr. JUSTICE DUVAL took up the ink-stand and said—as the Jury may not understand these technical terms, it may be as well to say to them, that if a hole were made in the inkstand the ink would run out. (Laughter.)

Mr. O'FARRELL.—If your honor had been made of glass you would have been dead long ago; a man's guts are not of glass.

Witness.—The extravasation would begin immediately after the rupture had taken place; the consequence of the extravasation taking place would inevitably be intense and destructive inflammation of the peritoneum. The dispersion of the vital power resulting from accidents to the bowels, would to some extent delay inflammatory action; so long as the depression lasted. inflammation would be delayed, but the first reaction would be upon the peritoneum; the symptoms of inflammation from extravasation are extensive pain, acceleration of the blood, vomiting, generally on the second day, and a sense of sinking in the individual; the vomiting might come on at the instant of the rupture; as a general rule vomiting comes on in twenty-four hours, but in cases of this kind the symptoms vary in different individuals so much that death sometimes ensues in twelve or fifteen hours; the feeling in the patient is one of sinking; the patient thinks he will die within a short period.

Mr. MACDONALD (a Juror).—The Jurors want to know from the Court whether all this examination of doctors is necessary to enable us to arrive at a verdict? In the opinion of the Jury there are to be a series of lectures for the benefit of doctors' youngsters. We have been sixteen days kept together, and I, for one, would not have been kept so long away from my business for £50.

THE COURT.—No; certainly not. He (Mr. Justice Duval) just remarked, that if the Solicitor General had continued such a cross-examination he would not have permitted it. The lives of seven men were not to be dependent upon the opinions of medical men. He quite agreed with the jury—it was common sense. He was going to say that it would be as necessary for one of the jurors to go into a merchant's shop, and, making a purchase, call upon a dozen lawyers to say whether the purchaser should pay the purchase-money, or the merchant who sold them.

Mr. ARCHIBALD MACDONALD (the Juror) begged his honor's pardon; but he thought the clients of the counsel were very foolish in insisting upon such evidence. He felt it to be an outrage on time and common sense listening to such nonsense.

(The whole Court speaking all together—in the words of one of the witnesses, there was a "muss.")

Mr. O'FARRELL wanted to establish poison.

THE COURT.—Let us not at this moment talk of poison.

JAMES REED, Physician, re-called.

By Mr. LELIEVRE (for the Crown).—Witness attended the Coroner's inquest at Leeds on 23rd October last, on the body of Robert Corrigan; the inquest was held at the school house; wit-

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ness recognized the body in the room ; he had attended Corrigan during his illness ; Dr. Fremont conducted the *post mortem* examination ; witness was present and assisted ; there was no appearance of decomposition having taken place when he commenced ; there were three contused, lacerated wounds on the scalp ; two were over the upper and back part of the left parietal bone.

THE COURT.—Begin with the stomach.

Witness.—The cavity of the abdomen was examined before the stomach ; on opening the cavity there was a fœcal smell ; he found a quantity of coagulable lymph and serum, and fœcal matter ; the peritoneum was generally inflamed ; the stomach was covered with a rose colored blush all over, and there was a small quantity of mucopurulent matter ; the liver was healthy—appeared granular, and had a grizzly sensation ; the intestines were generally inflamed, more particularly in the illium, near its termination in the cœcum ; he found a rupture or opening in the illium, about 15 inches from its termination into the cœcum ; the intestines in the vicinity of this opening were intensely inflamed, discolored, softened, and thickened ; the rupture in the intestine was about half an inch long ; the spleen and kidneys were generally healthy.

By Mr. LELIEVRE.—Witness was examining the head while Dr. Fremont was examining the abdomen ; had already stated that the stomach was covered all over with a rose colored blush ; the left ventricle of the heart was filled with red blood ; there was a small quantity of dark colored venous blood in the right cavities ; the heart was healthy and so were the lungs ; the left lung was slightly adherent to the parities of the chest ; these adhesions were of old standing ; he found in the cavity of the abdomen a quantity of coagulable lymph, serum, and fœcal matter ; the quantity of matter—fœcal, serum, lymph, and all together—was about a pint, perhaps more, but witness could not be precise on this point ; Dr. Fremont opened the abdomen and examined it more minutely than witness did ; the rose colored blush was inside of the stomach ; there was no inflammation of the intestines and of the peritoneum ; it extended generally throughout the intestines, except those parts that were affected by inflammation ; the other parts of the body were in a healthy state ; the liver was in the state in which “ we find the livers of those accustomed to take a little drop ”—to drink strong drink ; it was a sound liver ; the substance in the cavity of the abdomen was produced both by the effusion from the peritoneum, the extravasation from the alimentary canal, or from the stomach down to it ; the only way that fœcal matter could get there was through the opening in the illium ; the inflammation round the edge of the opening was produced by the extravasation of fœcal matter from the opening in the intestinal canal ; there was a small quantity of gas that had insinuated itself into the cellular tissue, in the immediate vi-

clivity of the rupture ; this rupture might be caused by a blow from a stick or stone, by kicks, by a cart passing over a body, or by falls upon any hard substance ; it might be produced, also, if the part were diseased by vomiting, or by the action of strong irritating medicine, that is, if the part were diseased ; if the illium were in a healthy state, vomiting would not be produced unless by the action of strong irritant poison ; the inflammation might have been produced by extravasation of fœcal matter, or by a severe contusion or bruising ; there are slight, dangerous, and mortal wounds ; the wound in Corrigan was a mortal wound, that terminates almost always in death ; he saw a quantity of mucopurulent fluid, not matter, in the stomach ; he ascertained that by sight.

By Mr. O'FARRELL.—The external part of the stomach was intensely inflamed ; there was a rose-colored blush in the interior of the stomach ; the reddening perceived by witness in the stomach might have been occasioned by the extensive inflammation of the outer coat ; if extravasation had not occurred, the wound would not have been mortal ; extravasation took place in Corrigan on the Thursday morning ; it might have occurred at the time of the beating—that is, on the Wednesday, on the field ; generally when extravasation occurs there are marked symptoms that indicate that inflammation has occurred at a certain time.

JOSEPH MORRIN, M.D., Quebec, sworn.—Had heard Corrigan's row described, and the consequences resulting from it, by Drs. Fremont and Reed ; all similar cases in his (Dr. Morrin's) practice had been fatal. To the question, "Does an irritated, but not inflamed, surface, ever secrete *pus*?" witness answered—"Pus is generally one of the terminations of inflammation." Half a pint of wine taken into the stomach will produce a rose colored blush like that described by Dr. Reed.

J. E. F. LANDRY, M.D., Quebec, sworn.—Witness had heard all the testimony of Drs. Fremont and Reed. Admitting that the motion of fœcal matter had taken place into the cavity of the abdomen, the result must have been fatal ; irritation does not change the nature of a secretion, although it may increase it. The stomach is generally of a rose color during the time of digestion, and for some time after ; the stomach does not naturally secrete serum or pus ; after death, the stomach appears rose colored, which is only the result of cadaverous inflammation, which may be confounded with other inflammation.

Cross-examined by Mr. STUART.—From the administration of a violent cathartic, where two of the intestinal coats had been already lacerated, it might be possible that the rent might be completed by such cathartic, and the extravasation of intestinal matter take place.

By Mr. O'FARRELL.—The redness caused by cadaverous inflammation is, generally, most apparent in the lower part of the stomach, as the result of gravitation. The irritation of the surface

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augments or increases the secretion natural to that surface, but does not change it; inflammation may change it; a portion of the fecal matter may have found its way into the cavity of the abdomen in the carrying of the body to Leeds. The wound being transverse, the disposition of the opposing fibres in this region of the body would be to dilate the opening.

The Court adjourned for a quarter of an hour.

Cross-examination of Dr. LANDRY continued by Mr. LELIEVRE.—A violent remedy, which increases both the secretions and movement of the intestines, is such a remedy as would complete such a rent as that described as having occurred in Corrigan's bowels. No effusion after death could produce inflammation, and, in the present case, could not produce it at all.

JAMES SEWELL, M.D., of Quebec, put into the box.

Mr. O'FARRELL objected to the examination of the witness, who could not adduce facts, but only give his opinion upon the evidence which he had heard in Court.

Mr. SOLICITOR GENERAL.—I can conduct my case without the learned gentleman's assistance.

Dr. SEWELL sworn.—Heard the whole of the medical testimony given in the trial; all wounds of the intestines are serious and grave; such wounds as that described by Drs. Fremont and Reed are considered fatal.

Mr. STUART objected to the further examination of witness.

THE COURT could not limit the number of witnesses to be examined.

Mr. ROSS had not protracted the trial, as his honor well knew; indeed he was anxious to get away to attend to his public duties elsewhere. He had important evidence to elicit in relation to the *post mortem* examination, the nature of which he would not shadow forth.

GEORGE M. DOUGLAS, M.D., of Quebec, sworn.—Was present during the whole examination of previous medical witnesses. All wounds in the intestines are grave and dangerous; those unaccompanied by an external wound especially so. A wound such as that described by Drs. Fremont and Reed is generally fatal.

ALFRED JACKSON, M.D., of Quebec, sworn.—Was present, as the other medical witnesses had been, in Court; wounds in the intestines are always grave, and when accompanied by extravasated matter, are generally fatal; had analysed the contents of stomachs occasionally; pus in the stomach cannot be ascertained by observation, but by chemical analysis, by the hydrostatic test, or by the microscope.

The case for the prosecution was here closed.

Mr. O'FARRELL.—MAY IT PLEASE THE COURT,—GENTLEMEN OF THE JURY:—In rising to address you on the part of the prisoners, I cannot but feel a heavy sense of my responsibility. So much time has elapsed since the case was opened, that you have exhibited more than ordinary patience in enduring all the nonsense

that has been retailed here to ascertain the facts in the case. Had you not desired to do justice both to your country and to the prisoners you would long ago have cut short the proceedings, by saying either that evidence enough had been produced for the prosecution, as far as you were concerned, or, that the evidence submitted was of such a character that, in the interest of the accused, further proceedings were uncalled for. But you found it necessary patiently to listen, and we have found it necessary to wait on here, day after day, having the same feeling in common—that of doing justice. Eleven or twelve days have elapsed since the opening of this case, and you have had time to read the evidence of each preceding day; evidence sufficient to convince you of the innocence of the prisoners at the bar. Not a witness has stepped into the box who has not convinced you that some among the witnesses have not told the truth. There has been a conspiracy to deprive these men in the dock of their lives. There was a conspiracy to punish these men, originating, it may be, in a mistaken sense of justice. Some individuals had pledged themselves to see justice done, as they expressed it, to the deceased Corrigan; and they had used their best endeavors to do so. There was a strong feeling in the minds of the principal witnesses against the prisoners. That feeling had been exhibited in the witness box. But, as if this were not enough, the press teems every day with the most violent articles, so that the prisoners at the bar may be condemned as it were by anticipation. Evidence, that of Nopper especially, which ought to have had a contrary effect, had been seized upon by the press and dwelt upon with a gusto which was shameful. That cause must be bad indeed which resorts to such expedients. As for the witnesses, with one or two honourable exceptions, they were all biased. Now, taking that into consideration, and bearing in mind the want of means of the prisoners, with the sufficiency of means at the disposal of the prosecution, the difficulties in connection with the arrest of the prisoners will not be misunderstood. If they had not been separated in their trials, it was because it was not considered necessary—all were so conscious of innocence, and fearing nothing so much as prejudice. A gentleman has told me—and that gentleman is in Court now—that if the accused were brought into town and into Court, it would be necessary to slip them out of town again as quietly and as quickly as possible. But always having had the intention of coming voluntarily to surrender themselves, notwithstanding the price set upon their heads, they had done so ultimately. It had been asserted that the prisoners at the bar held out, lingered behind, with the view of dividing among their friends the money offered for their apprehension. But they had disdained that, and to prevent its being entertained had surrendered themselves in such a manner that the rewards could not be paid to any one. One of the learned judges upon the bench knows that he was applied to by me to know whether if the prisoners

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surrendered themselves, they could be admitted to bail—an application to which the learned Judge, with his commendable and usual prudence, refused to give any answer. They surrendered because they knew that they were innocent, and were late in doing so because bail was not obtainable. Therefore is the secret of the surrender of the prisoners coming in ; therefore is it that no two witnesses agree as to time or to anything else ; therefore is it that no two witnesses say the same thing. The prisoners are innocent. You will doubtless give a verdict on the evidence submitted to you, and in doing so your labor will be lightened very much by adopting a plan which I shall suggest to you. You should adopt a definite plan. You must weigh the evidence and if there is no doubt of their guilt arising from it, the prisoners at the bar, as well as others, expect that you will convict them. If there be a doubt, they must have the benefit of it. In proceeding to inquire into the evidence, you ought to start from some particular fact, and to trace the whole course of that fact so as to ascertain its consequences. You must see clearly what bearing it has had upon the death of Robert Corrigan. You will not be staggered by the evidence given by Dr. Fremont.—From the manner in which he had given his evidence, it was obvious that his head had been stuffed with what he had learned in accompanying the Coroner to the inquest ; he went into the box prejudiced ; he gave his evidence so as to show there was only one cause of death. But supposing that this were true, it will be a matter for your consideration whether death did or did not proceed from a natural cause, or from an unnatural or violent cause ; to ascertain if that one cause of death may not have been inflicted by some one not at the bar, or that it had not partly been caused by poison. If there should be a doubt as to the cause of death, the prisoners should be acquitted. I will show you that medicine was given, which in its effects was poison to a man injured as Corrigan had been. It was the injudicious administration of a dose of opening medicine that had killed Corrigan ; without this medicine the death would not have occurred. I will show you that the fatal blow was not given by Richard Kelly, but by Peter Stockings, who hurled from him a stone of two pounds weight, which hitting Corrigan caused him to exclaim, “ I’m murdered.” If you are not satisfied with that evidence, I will be able to examine the evidence of the Crown, and be able satisfactorily to show that the prisoners at the bar had no hand, act or part, in beating Robert Corrigan, although they had been hunted down like beasts rather than like citizens. I will show you that poison had been given ; that the witnesses for the Crown are not to be believed. I will prove that Corrigan stood up in McKee’s and said that he would go up to the field and fight again ; and I will also prove that before he had received a certain medicine he was thinking of going home in the morning. Doctor Fremont has shown you that the rupture

of the bowels produces a certain feeling of depression which could not have suffered the hope of going home to arrive in the mind of a man so injured. Dr. Landry's evidence is sufficient to show that extravasation might not have occurred without the aid of medicine, and therefore did not occur until next day. It was the medicine that tore one of the two or three coats of the bowels asunder. Indeed, Dr. Reed positively swears that extravasation did not take place until next day, and that the medicine operated on the gut when lesion was about to take place. When you have these facts, whom can you believe but Dr. Reed? You are bound to do so. I will draw your particular attention to this fact—Peter Stockings is not here to give his evidence.

MR. ROSS.—Read his deposition.

MR. O'FARRELL.—I will do so if it contains the fact that he killed Corrigan with a stone. I say that Peter Stockings ought to have been here,—yes, Peter Stockings, who is the bosom friend of Corrigan, should have been here to-day to testify that by his hands Corrigan had died. There were only three witnesses whose testimony had been corroborated by other witnesses—Deslaurier, Demers, and Paquet. I will show that the McKees, the Woodwards, the Noppers, the Drouins, the Stuarts, and the Craigies, are unworthy of belief. I will begin with the bully witness, for the prosecution, Jean Baptiste Nopper, who never knew exactly when he went to church nor whom he saw there! The press, in opposition, had commented upon—

THE COURT.—Stop, Mr. O'Farrell stop. The less said about that the better. We have nothing to do with that here.

MR. O'FARRELL.—Well, at the suggestion of the Court, I will say nothing about the press. But you recollect how the plotter Nopper gave his evidence, with his legs trembling under him, as if to show that he was conscious of not telling the truth. Mr. O'Farrell then recapitulated the evidence with a running commentary.) He wound up by an appeal to prejudices, by alluding to the case of Heward, in whose case the jury refused to hear further evidence and demanded an acquittal. He also appealed to the Newman and Achilli case; and, last of all, dwelt upon the weakness which would send seven men to the grave, never to be recalled from thence, by the jury, and begged that they would be sent home to their families whom they left weeping.

The Hon. Mr. Chabot then addressed the jury in French to nearly the same effect.

QUEBEC, 14th February, 1856.

MR. ALLEYN—May it please the Court.

Gentlemen of the Jury: A hundred hours have been occupied in the attempt to ascertain that which occurred with five min-

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utes. I regret that I am unable to throw out the whole facts which have been elicited in the case with that ability for which some of my colleagues are distinguished, but your intelligence will supply my deficiency. The impartial conduct and the careful abstinence from any expression of opinion on the merits of the case on the part of the Court, assures us that the prisoners at the bar will obtain a fair and impartial trial. It would be foolish to expect that there should not be a desire on the part of the Crown to convict the prisoners. The Crown prosecutes for the public benefit and in the interest of order. I can understand that for every crime there is one party out of doors in favor of the prisoners. The friends of a prisoner cannot be made to believe him guilty, and will endeavor to secure for him a fair trial. I cannot, however, understand why, as in this case, there should be another party who are not only anxious to convict, but who, with manifest unfairness, prejudice the case of the prisoners.—Nor is it easy to understand why a man, whose very profession points him out as one who should be a smoothen of difficulties, has rushed into the political arena and published a letter in the *Mercury* newspaper calculated to inflame men's minds, and to array men against each other only on account of differences of religious belief. That letter is so written as to carry with it no authority, and is to be received in that respect. I do not allude to this matter with the view of inflaming your mind and preventing the free exercise of your reason, but to caution you against conclusions hastily and incorrectly come to. As for the testimony, you must weigh well what has been said concerning men who, up to this time, have borne an excellent character. The great object which you, and which all must have in view, is the elucidation of truth; and for that purpose the best witnesses ought to have been brought up—persons who had not been mixed up in the matter in any manner. From the persons who had given the best evidences—persons who had no interest in the matter—neither favor nor affection for the prisoners, nor were imbued with prejudices against them—you must have come to the conclusion that the prisoners at the bar are innocent of the crime imputed to them—a crime described as a foul and bloody murder. That the slaying of Corrigan, lamentable as it is, cannot be so characterised, is evident to all who have looked upon the matter impartially. Whatever conclusion you may come to with regard to the complicity of the prisoners at the bar in the death of Corrigan, you can come to no other conclusion than that the crime committed was manslaughter, not murder. Murder is a crime not ordinarily committed in open day, nor among crowds of people. As for religious feelings being mixed up with the matter, he could only say that religion had nothing to do with the death of Corrigan. Corrigan was killed in a row at a Cattle Show; the first blow being struck because there was some dissatisfaction with him as a judge of sheep. There is, indeed, no

evidence at all to bring home to the prisoners at the bar the offence of which they stand accused. True, three or four persons swear distinctly that they saw Kelly strike Corrigan, and again, there is the declaration of the dying man ; but such testimony is contradicted. Setting altogether aside the medical testimony as to the cause of death, it is to be taken for granted that Corrigan's death was caused by blows ; it was caused either by being jumped upon or by being struck by a stick or a stone. That which has to be ascertained is, who struck the fatal blow. It is not for the prisoner to prove his innocence, but for the Crown to prove his guilt ; and if the Crown fails in doing so, the innocence of the accused is to be presumed. The law is undoubtedly to be upheld. It is one of those things which bind society together. The law, however, is for the protection of all, and requires that strict justice be extended to such as are accused even of a violation of it. Now what is the evidence to show a violation of the law in this case ? The only evidence which brings guilt home to the whole of the prisoners is that of Jean Baptiste Nopper, and he gives evidence at one time at variance with the evidence which he gave at another. And why ? Because he was sick at one time and well at another.

"When the devil was sick, the devil a monk would be.
When the devil was well, the devil a monk was he."

There were five or six other witnesses who only identified Kelly. The learned counsel recapitulated the evidence, and pointed out what appeared to him to be inconsistencies, concluding by asserting that there were jealousies between the Parishes of Leeds and St. Sylvester, and hence the feud which had resulted in the death of Corrigan.

MR. STUART.—May it please the Court,

Gentlemen of the Jury : I have only a few observations to make. Were this not a matter of life and death, considering the length of time you have been kept together, a very few remarks would be necessary. As it is, I shall be as brief as possible. It is very lamentable that any case should occupy such a length of time as this has done ; but there are so many conflicting statements to be examined, so many witnesses to the chief occurrence, and so much feeling out of doors with regard to the case, that your detention in the jury box has been unavoidable. Twenty-eight witnesses have been examined on the part of the Crown. Of these, eleven mentioned the names of the prisoners at the bar in their testimony, and nine did not, while eight spoke only of what had occurred in McKee's house. These last witnesses were naturally biased against the prisoners. They had seen Corrigan die—they had listened to his sad tale—they had heard him pray for his murderers as well as for his wife and children—they had been requested by a dying man to see justice done to him—and they sucked up the very current of his thoughts. All their evidence must be dismissed from your minds. The tes-

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timony of the McKees, Woodward, Nopper, Ellison and Stuart, was full of inconsistencies. No two of them saw alike or heard alike ; there were some of the witnesses ignorant of the obligations of an oath, and therefore liable to the charge of making loose statements. All that has been proved is that there had been a row, at which Corrigan was killed. It is not known who killed him. Kelly was a peace-maker ; he rushed into an excited crowd at the risk of his life to save that of another. It was only by his opportune interference that Corrigan was taken off the ground alive. But for Kelly, Corrigan would have died on the ground. Kelly was of the same party, and Kelly did doubtless tell Corrigan that he deserved what he got. It was a natural expression of opinion from a man of an opposite party to another whom he had rescued, but of the mortal nature of whose injuries he was unconscious. Put any of the prisoners now at the bar into the jury box, reverse the present state of things, and they themselves will tell you that Corrigan was brutally, inhumanly beaten in a row ; but they can say no more. Recognition in a mob, violently excited, is almost impossible, and the witnesses have shown that a mistake in identity is not difficult under such circumstances. The prisoners at the bar have not availed themselves, through their friends, of the prices put upon their heads. They know that they are innocent of the crime of murder, and have surrendered themselves for trial before a jury of their peers. There is one thing which I very much regret, and that is the tone of the learned Solicitor General in opening this case. I regret to see in a British country any attempt to pander to prejudices. All that the prisoners ask for is no more than justice, and that, I am convinced, you, gentlemen, will concede to them.

TERENCE BURNS, farmer, of St. Sylvester, sworn.—By Mr. Albyn.—Knows all the prisoners at the bar ; was present at the Cattle Show on 17th October last ; was with Richard Kelly, the prisoner at the bar, Mr. Paquet, the magistrate, Demers, Mullaver, and Deslaurier, on the ground at the time of the row ; we were with the brood mares, about one and a half acres from where the row commenced ; the ground between was pretty much hard ground, but not all clear ; witness heard a noise, looked round, and saw people running to the crowd where the row was ; we then started to run for the row ; either Demers or Delaurier was first—Demers he believed ; Kelly was the third ; Paquet followed witness ; the first thing witness saw was Corrigan struck with a stick by a low-sized, dark-complexioned man, whom witness does not know and has never seen before nor since ; the man struck over the left “hinch ;” he was down at the time upon his face and nose, and the blow twisted him a little ; prisoner Kelly took hold of Corrigan by the left arm and collar, saying, “ Mr. Burns, help me to take this man out of the crowd Kelly ;” had not struck Corrigan, or anybody else, and could have not

done so without witness having seen it; Kelly and witness brought Corrigan to some timber behind Mr. Machell's barn—one holding him under the arm; there was a third party whom witness does not know; during the whole of this time no injury was inflicted by Kelly, Corrigan said, as he was being taken along. "Mr. Kelly, let me go and I will go myself;" we then let Corrigan go, when we heard some one calling out, "Who owns the fine hat?" witness said, "Come, Mr. Kelly, I accuse 'yon' (yonder thing), to be Mr. Corrigan's hat?" Kelly and witness then left Corrigan, and the next time he saw Corrigan was at McKee's house; witness heard no threats used to Corrigan by Kelly or any other person; Corrigan said to Kelly, "Take care, Mr. Kelly, what you are about; don't take me off the ground a coward;" he then shut his right fist, and swinging his arm, he swung witness off a small distance, saying, "By God, there is no one man on the ground fit to fight me for one;" "silence," said Kelly, "come with me, and I'll be your protector;" Corrigan was bleeding a good deal at the time, from the head; about half-past one on the same day—the row took place between twelve and one—witness saw Corrigan in Andrew McKee's house; Corrigan said in McKee's house that "as long as he lived he would never forget Kelly's gratitude, nor Peter Stockings', to him; Corrigan said nothing else about Kelly; the row lasted about two or three minutes.

By MR. ROSS.—Kelly was a few yards ahead of witness in running to the row; it is not easy to recollect the order of persons running to a row; Deslaurier started first, but whether he or Demers got up first witness can't tell; a countryman like him could not be expected to take such particular notice to tell it in a place like this; witness did not see Stockings at all; knows Stockings perfectly well; witness only saw one stroke; that was the last he saw him get; witness kept his eye upon Kelly all the time; witness ran to the row having it in his mind to make peace; did not understand whether he ran to the row out of curiosity, (witness scratched his head and pulled a queer face); it was in his heart to make peace; when he ran to the crowd they were running through each other and witness could not tell what they were doing; did not see what they were about (every question as to seeing other people strike dexterously evaded,) as there were so many between "them and me;" while going towards the crowd witness saw no one striking and could not see what they were doing, there were so many between them and me; witness could not see exactly if there was any fighting or not; the people appeared to be gathered up in a furious manner and running towards this place—the place where the row was and towards which witness was running; witness saw no fighting until he got forward—arrived at the place; witness does not know what was going on in the crowd; witness had not seen a blow struck until he arrived and did not know until then that there was fighting; while he was running towards the crowd witness

was not looking; witness was trying to see what the man is running for; his eye on

JOHN M.
—Was present; last; recalled the brood there, besides prisoner K. mares; the field; said it was Demers first. Paquet and a man struck who struck the crowd, said— "Let them called the way; field; with strike Corrigan should have the whole

By Mr. Ross.—one or one row took place when he saw of Corrigan Demers was running to close together they all then when they know what Kelly stopped between him not see Stockings were carrying saw no one that he was crowd; he hit him; he hit occasion: where he saw the row home; it say how long

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JOHN MULLAVEY, farmer, St. Sylvester, sworn.—By Mr. Stuart.—Was present at the agricultural show on the 17th of October last ; recollects that a row took place ; witness was standing near the brood mares when he first noticed the row ; there were present there, besides himself, Demers, Paquet, Burns, Deslaurier, and prisoner Kelly ; they were looking over papers and judging the mares ; the first he saw was a gathering of men in the far side of the field ; it was near where the sheep were ; some one came and said it was a row, and we all ran over in the following order—Demers first, then Deslaurier, prisoner Kelly, Burns next, and Paquet and witness followed ; when witness got to the row he saw a man struck ; witness did not know the man struck nor the man who struck ; witness afterwards saw Kelly rushing through the crowd, saying—"Get up and come along with me ;" Corrigan said—"Let me be—I'll not leave the ground a coward ;" Kelly then called on Terence Burns to help him to take Corrigan out of the way ; Kelly and Burns then took him to the upper end of the field ; witness turned back and saw no more ; he did not see Kelly strike Corrigan or anybody else ; had Kelly struck Corrigan he should have seen him ; he did not see any of the prisoners there ; the whole fight lasted from two to two and a-half minutes.

By Mr. Ross—(Cross-examined)—There was a space of about one or one and a-half acres from where witness stood to where the row took place ; he was within four or five yards of the crowd when he saw a man struck whose name was given to him as that of Corrigan ; he saw Corrigan carried off ; he cannot say whether Demers was one foot ahead of Deslaurier or not ; they were both running together ; Demers, Deslaurier, and Kelly ran pretty much close together ; cannot say that Demers was a foot before Kelly ; they all three got into the crowd together—Kelly a little behind ; when these three got into the crowd together, witness did not know where Demers and Deslaurier went ; he did not think that Kelly stopped at all ; could not say how many persons were between him and them ; there might have been ten or twenty ; did not see Stockings till after the row was over, at the time when they were carrying Corrigan away ; he then went to his mare ; witness saw no one beaten that day but Corrigan ; he can't say positively that he was five yards from Demers when he came up from the crowd ; he is positive in saying that he was within six yards of him ; he heard no one speak of Stockings being beaten on that occasion ; witness saw Francis Donaghue standing at his tent, where he sold apples ; witness did not see him before that ; after the row he saw Paddy O'Neill standing upon the road, on his way home ; it might have been one or two hours after the row ; can't say how long ; Corrigan was standing when he got the blow.

JOHN HOGAN, farmer, of St. Agathe, sworn.--By Mr. O'Farrell. Witness knows all the prisoners at the bar ; was at the fair at St. Sylvester, and saw a row there ; witness was near the fence where the sheep were, when the row began ; saw a man whom they called Robert Corrigan ; he was one of the judges of the sheep ; saw James McCaffrey there ; John McCaffrey and the judge had a few words about the judging of McCaffrey's sheep ; Corrigan stood up and said he was damn'd if he would judge any more sheep that day ; a young man came up and laid his hand upon Corrigan's shoulder, and asked him why he would not judge these men's sheep any more ; Corrigan and him clinched, when Corrigan made a blow at him with his left hand ; both then clinched and fell down ; the crowd got around him, and witness could not see any more : as they were falling, the young fellow, witness thinks, was uppermost ; they partly came to the ground together ; saw a man called Peter Stockings throw a stone in the crowd ; it was one of the field stones, a kind of grey stone ; the stone struck Corrigan in the belly ; he did not hear Stockings speak at all ; Stockings lifted another stone ; witness saw Demers, Richard Kelly. Paquet, the magistrate, and Deslaurier, coming from where the brood mares were ; witness saw Kelly, on coming up, sieze Corrigan by the left arm, and call upon another man, Terry Burns, to help him ; these two brought away Corrigan to Machell's house, and witness saw no more of him ; witness did not see Kelly strike Corrigan, or jump upon him, or do anything to him ; during this time John McCaffrey kept moving back from the crowd, and was about seven or eight yards from him, and kept continually moving back ; when McCaffrey put his hand on Corrigan's shoulder, he could not have struck Corrigan without witness having observed it, as he was standing ground above them ; McCaffrey is a big man ; McCaffrey did not strike Corrigan that day on the field at all ; the young man who clinched with Corrigan is not among the prisoners at the bar ; Kelly could not have struck Corrigan without witness having seen him ; some sheep remained to be judged.

Mr. LELIEVRE.—Witness was within two or three yards of the row ; there might have been from forty to fifty persons round Corrigan, or more, when the young man clinched Corrigan, and when they both fell. Witness remained where he originally stood, on the little rising ground ; Stockings was about twenty feet from witness to the left. He was about four or five yards from the crowd, but witness had not a rule to measure the distance, your honor ; Corrigan fell down at the commencement of the fight ; the fight was over when Kelly raised him from the ground ; it was near the closing of the row when Stockings threw a stone, as far as his belief can tell, your honor ; Corrigan was still down when struck with the stone ; the crowd scattered before the row was altogether over ; before the crowd scattered, witness could not see what they were doing to Corrigan ; witness lost sight of Corrigan when he fell, and caught a sight of him again a little before

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Kelly lifted him up ; when witness first lost sight of Corrigan, the crowd were jostling around him, and witness cannot say what they were doing. (The witness considered it quite impossible for any common man to answer the same question twice.) Witness could not tell what the crowd were doing ; could not say what Demers was doing, nor what he did, nor what Deslaurier nor what Paquet did ; witness paid no attention until he saw Kelly lifting Corrigan off the ground ; saw none of the men doing anything until then ; the row continued no time after " they " reached the crowd ; no time means not a very long time ; countrymen don't speak as well as lawyers—(laughter.) Witness could not explain it ; McCaffery was not very far from Stockings ; he was about 7 or 8 yards from the crowd, and partly on the left ; witness, if he stood up with his hands in his pockets, could see nearly every person in Court. In looking at the crowd, witness paid no more attention to one than to another ; could not tell at what hour McCaffery came upon the field, nor when he left. Knows the prisoners at the bar ; saw Paddy O'Neill, George Bannon, Pat Monaghan, Francis Donaghue, and Patrick Donaghue on the field in the course of the day ; the stone was one which might be taken and grasped in a man's fist.

(Hogan, on being cautioned not to communicate his evidence to any of the other witnesses, said " yes, your honor ; " and, on leaving the box, turned to his friends in the Grand Jury box and laughed.)

MATHEW HOPKINS, farmer, of St. Sylvester, sworn—By Mr. STUART—Recollects that there was a Cattle Show and a row at it ; he was at the Cattle Show in the morning ; left there between 10 and 11 o'clock and went to St. Patrick's Mills, 6 miles off ; witness returned between 3 and 4 in the afternoon ; was brought into Court to be identified by Jean Bap'tiste Nopper ; did not hear that there was a row or that anybody had been hurt ; there was no meeting during that day, behind Machell's barn, to plot a row ; went to the Mills with Michael Kelly and returned with him ; witness spoke to Frank Donaghue's wife and Charlie O'Malley ; he saw Ann McClusky, at Frank Donaghue's, at St. Patrick's Mills.

By Mr. Ross—He was one of those indicted in this case, but the bill was thrown out ; witness has three brothers besides himself ; his brothers are some older than himself ; his eldest brother is 28 ; he is 18, the brother next him is about 20, and the one older than him is about 25. Witness heard about the row after he returned, about half-past four ; did not hear that anybody was hurt at the row ; McEwan's son met him on the road and told him so ; we met about two miles from Machell's ; does not know McEwan's son's name ; Phil Maguire was also there ; he came from the show ; Phil told witness nothing ; McEwan has four or five sons ; he lives at the mill ; thinks it was the second eldest who spoke to him ; lives about 3½ miles from Machell's farm ; on that day witness

went to see the cattle show like every other one ; he had no business for leaving home but to go and see the show ; he can't exactly say when the show began ; witness had got nothing else to say. [Mr. O'Farrell, softly, answer his questions.] Witness remembers nothing else ; when he left Edward Donaghue had a watch and told him the hour ; he said it was about half-past 9 ; witness had no business at St. Patrick's Mills, but went with Michael Kelly ; can't say what Kelly went for ; thinks it was for lemon syrup ; witness has no curiosity ; did not enquire about the row ; the boy McEwan told him Corrigan was beaten, but there are more Corrigans than one ; witness did say in a previous answer that McEwan had said no one was beaten at the row, but he mistook the words.

Re-examination—by Mr. O'Farrell—The witness said when the question was put to him a second time, “ Yes, there was some one ; but there are more Corrigans than one.”

THE COURT—Both the translator and myself have taken down both answers. Leading questions cannot be put.

MR. O'FARRELL—I can show you authority.

MR. JUSTICE DUVAL—They must be very lately printed, then.

MR. O'FARRELL—I have not a library in my head ; but—law is not always justice.

THE COURT—You then, having embraced the profession, I hope will do justice.

WITNESS—There are several Corrigans at St. Sylvester besides Robert Corrigan ; one is named Owen, another John, and a third Hugh.

JOHN MCCARTNEY, farmer, St. Sylvester, sworn :—Knows Matthew Hopkins—he is the youngest of the Widow Hopkins' children ; remembers when Robert Corrigan was brought into McKee's ; when down at the Show ground he left the sheep and went to McKee's smith-shop ; he heard there that they were killing each other at the row ; as he was leaving Robert Corrigan was coming up to McKee's ; went back again to McKee's, and there met Michael Kelly and Matthew Hopkins, in a cart, going to the field where the Show was, with supplies for the tents ; did not speak to Hopkins or to Kelly ; had not seen either of them that day before ; does not know where they had been.

Francis Maguire, Farmer, of Saint Agathe, sworn—By Mr. Allyn—Knows the prisoners at the bar, and that there was a row at the St. Sylvester Cattle Show ; saw the “ said ” Robert Corrigan ; he was one of the judges, judging two sheep of the prisoner McCaffery ; in judging those two sheep, Corrigan declared “ second ” ; the prisoner, McCaffery, then said, “ I thank you, gentlemen, but very little for your judgment,” and turned back a few steps ; then the said Robert Corrigan said “ he was damned if he would judge any more on that day ” ; he turned round and the said Robert Corrigan—

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Witness then saw a young boy, who said to Corrigan, "why don't you judge them men's sheep?" the young boy laid his hand on this Corrigan's shoulder at the time that he had expressed these words. Corrigan turned round and made a drive—appeared to me to be a box with his left hand, at the boy, and struck him; the young boy then struck at him, and then Corrigan caught him by the right arm, and they both fell down the hill, the young boy uppermost; they both pulled a good while to see who would get up first; witness then saw a crowd of persons gathering round; witness saw an oldish man coming, whom he did not know, and he struck this Corrigan with a stick; he thinks the blow fell on his side, or rather on his belly; the crowd was then so thick that witness saw no man strike him more; witness saw Richard Kelly and a few others coming from where the brood mares were tied and getting under Corrigan's left arm; there was another man whom he did not know. Corrigan said, "Let me lie down—two or three men may beat me here on the field, but one man on the field is not able to do it"; Kelly and the other man took off Corrigan in the direction of Machell's barn; he "had never seen the man before nor since"; he would have seen John McCaffery if he had struck any one; in like manner witness would have seen Richard Kelly; he was right by his and Corrigan's side; witness' clothes were touching the sheep's wool at the moment he lifted his hand off it; was acquainted with all the prisoners at the bar; it was none of them; never saw the person who had the scuffle with Corrigan before nor since; did not know all who were present; could not calculate the number of people there; the row lasted two or three minutes, more or less.

By Mr. Ross.—After the young man struck him, a minute after an old man struck him with a stick; cannot say whether the blow from the stick was the last or not.

Mr. O'FARRELL.—It was the last he saw him get.

WITNESS.—Yes, it was the last I saw him get.

By Mr. Ross.—Does not know the boy's age nor name nor appearance; he was a younger man than witness; Corrigan looked to be a stout man, because he had an oil-cloth cloak on; on his oath Corrigan was not a remarkable stout man; witness stood about a yard off; the young man and Corrigan were in holds when the old man struck him a blow with a stick—they remained in hold until the old man struck Corrigan; they were both struggling to get up, when the old man struck him; the young man seemed uppermost; when they fell, they remained that way for about a minute, or perhaps a little more; the crowd gathered in front of Corrigan after the old man struck him, and witness could not see what was going on until he saw Kelly rush into the crowd and take him under the left arm; if witness had stopped to look between their legs he might have got a look; the crowd separated so as to let the man in; he cannot say whether of their own free will, or that the man pushed his way in; the crowd did not

close in as it had been before ; when Kelly rushed in, witness stood 3 or 4 yards from the crowd further down the hill, and Kelly came sideways towards witness's left, entering the crowd from the direction from which he came ; witness was 7 or 8 yards behind Kelly when he rushed in ; witness did not see the prisoners in the crowd, but he will not swear that they were not there.

The Court adjourned at 6 until 10 a. m. to-morrow.

QUEBEC, 15th February, 1856.

MICHAEL KELLY, aged 16, sworn.—Knows the nature of an oath.

By MR. ROSS.—Knows Francis Maguire, but does not know what he said.

By MR. O'FARRELL.—Was at the Cattle Show on 17th October last ; knows Matthew Hopkins ; knows when Hopkins started from the Show ground ; it was between 10 and 11 o'clock, a. m. ; witness and Hopkins went from Francis Donaghue's to St. Patrick's Mills in a cart, to Donaghue's house at the Mills ; witness saw Ann McCluskey in Donaghue's house ; dined at Donaghue's about 1 o'clock ; returned to the Show ground between 3 and 4 o'clock ; the distance from the Show ground to St. Patrick's Mills is about 7 or 8 miles ; Matthew Hopkins was with witness all that time. (Pointed out Matthew Hopkins in Court.)

By MR. ROSS.—Witness resided at St. Patrick's Mills ; came to the grounds in the morning and in the evening ; left about 7 o'clock in the morning to go to the Show ground ; was on foot ; got to the ground about 9 o'clock in the morning ; witness was sent on an errand to the mills, by Francis Donaghue, for syrup ; went back with the horse and cart, which was Donaghue's ; Francis Donaghue asked him if he would go for syrup, and witness said " Yes ; " Darby McEwan told him, on his way back to the fair, that there had been a row ; that was all that passed between us ; Francis Donaghue sent Matthew Hopkins after him, and witness took him up—that was about half an acre from the Show ground ; witness asked Matthew Hopkins where he was going ; Hopkins called after witness, saying, " Michael, wait for me ; " witness asked Hopkins what he wanted ; Hopkins gave no reason for Donaghue sending him instead of witness for the syrup ; after hearing that there had been a row, they went on to the Show ground, where Frank Donaghue had the cakes and apples ; on arriving, he gave the syrup to Donaghue, got out of the cart, and remained about half an hour on the Show ground ; neither of us asked Frank Donaghue about the row when we got to his stand ; going towards the mills, he told Hopkins what he was going for—told him he was going for syrup ; to the best of his opinion it was between 10 and 11 when he left the Show ground ; when he

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witness and Kelly from the field behind the Show ground ; Francis Donaghue was at his stand, about an acre from Machell's house, when witness left ; there were crowds of people scattered through the field ; met Felix Maguire within about two miles from the Show ground ; witness asked him, " Was there a row up there at the Show ? " and he said there was ; witness did not ask him who was beaten ; heard that Corrigan was beaten when witness was coming home from the Show ground ; David Donaghue told him that Corrigan was beat ; Matthew Hopkins was not with him.

Ann McCluskey, of St. Sylvester, sworn :—Recollects the day of the Show ; witness was at St. Patrick's Mills ; knows Michael Kelly ; knows Matthew Hopkins ; there he is. (Witness pointed him out.) Hopkins came with Michael Kelly to Francis Donaghue's at St. Patrick's Mills for apples and lemon syrup ; nobody but the family dined at Donaghue's that day ; the witness does not know what Hopkins and Kelly did there ; Edward Donaghue, Bridget Donaghue, witness, and a child, were the only persons who dined together ; could not say where Michael Kelly and Matthew Hopkins were ; it was after dinner when they came ; they ate nothing at all in the house ; can't say when the family dined —it was about 12 o'clock ; witness went to Donaghue's the evening before, on a visit ; resides about 9 miles from Francis Donaghue's, and had seldom visited the house before ; the day witness was there she supposes Francis Donaghue dined at 12 o'clock, because it is the usual custom.

Mr. O'FARRELL.—Objected to the question being asked concerning the name of Donaghue.

THE COURT.—The witness had said Donaghue, and it was for the Crown to ascertain.

WITNESS.—Edward Donaghue is the child of Francis Donaghue (with vehemence) ; he is a child about 2 or 3 years of age ; it was the child she meant that dined there that day ; can't tell how long after dinner it was when Hopkins and Michael Kelly came in ; it might be about three quarters of an hour ; Hopkins said he came for apples and syrup for the Show ; does not know whether Francis Donaghue had taken either apples or syrup for the Show in the morning, or whether he brought any back with him ; did not see him start in the morning ; heard of the row before supper ; it was a good while after dinner ; can't tell when they supped ; it was by candle light ; she learned of the row from a strange man who came to the door and said Corrigan was beaten ; he was in a cart. " Did he stop at the door ? " " No," " Yes."

Mr. ROSS.—Well, as it is " No," " Yes," I shall ask no more questions.

Christopher Keenan, Farmer, St. Agathe, sworn.—By Mr. Alleyn.—Was present at the Cattle Show ; was present at the row ; the prisoner McCaffery was not content on being allowed the second prize for his sheep ; he said he was little obliged to

them for their judgments, or something like that; here Robert Corrigan turned round and swore he would judge "no more for no man that day"; a youngish looking man came out to him, and laying his hand upon Corrigan's shoulder, said "why don't you judge the people sheep?" upon this Corrigan struck the young man with his fist on the side of the head; then the young man struck Corrigan with his fist on the side of the head; they caught hold of each other and they both fell down together; the crowd closed between him and the men, and witness could see no more; McCaffery was then further from the crowd than witness was; he was near the sheep; witness did not see any more striking; witness saw a good many people coming down the hill from where the horses and cattle were; when they came forward he saw Richard Kelly go into the crowd; the crowd opened to let Kelly in, when witness saw Corrigan lying down; Kelly came forward and took him by the collar and the arm to lift him up; first one man came up, and then another, to assist Kelly; witness did not observe who these men were; they went away with Corrigan towards Machell's house and barn; did not hear anything said.

MR. ALLEYN.—Did you see the young man who struck Corrigan then?

WITNESS.—Yes—(laughter.)

MR. ALLEYN.—Wait till you hear the question. Look at me. witness. Is the man who struck Corrigan among the prisoners at the Bar? Consider well.

WITNESS.—No; I can't see him.

Did not see Kelly strike any blow, and witness saw him from the time that he arrived until he took up Corrigan and went away with him; saw no blows struck by any of the other prisoners.

By MR. LELIEVRE.—Was standing near the Judges of the sheep, that was pretty convenient from the row; it was about three yards from where witness stood; they were judging the horses in a field up from that, next to the bush; to go from where witness was towards the house it was necessary to go through the bush; the one place might have been about two acres or more distant from the other; the horned cattle were in the same field where the horses were; is not sure where the brood mares stood; can't say whether or not the brood mares and the horses stood together; does not know when he went to the show; it was about 11 o'clock; witness did not meet any of the prisoners before the row, to his knowledge; saw McCaffrey during the row, and Kelly, who came forward and for whom the crowd opened; he does not recollect having seen any other of them; could not speak as to the duration of the row; from the time of the first scuffle to the time that Corrigan was taken away might be three or four minutes; witness saw no other blow given to Corrigan than that by the young man; witness thinks he did see a few sticks among the people at different times; he did not see sticks raised in the crowd as if to strike a blow, nor did he see anybody in the crowd,

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to his knowledge ; can't tell what the crowd were doing around Corrigan ; had not seen the young man who struck Corrigan before or since ; the man did not seem to have any beard ; he was not very stout looking ; never knew Corrigan before that day ; he seemed to be a middle aged man ; he was a middle sized man ; the crowd opened when Kelly came up ; Kelly merely walked into the crowd and walked out again, taking Corrigan away with him.

JAMES DONAGHUE, (of the Handkerchief) farmer, Leeds, sworn.—By Mr. O'Farrell—Knows Thomas Adamson ; had a conversation with him ; he told witness that he did not see Richard Kelly striking deceased, and that he would not nor could not prove it against him ; this was about the 25th of January, to the best of witness' knowledge ; Adamson told witness this opposite Kelly's tavern in Quebec ; he was a relation of some of the prisoners at the bar, if their mothers have not belied us ; Francis Donaghue's brother is married to witness niece ; Adamson and witness came to town with one horse in the same sleigh, and stopped together in the same house at Point Levi, the night before crossing to Quebec ; we crossed together ; the very identical day we crossed the conversation took place—it was on a Friday ; he never carried a watch in his life, and could not tell the hour ; it was between daylight and breakfast ; we breakfasted at Mr. Barrett's (Constable of the Court) ; we separated on the street opposite Kelly's. (Witness pointed out Adamson, purposely brought into Court). Edward Fitzpatrick came down with them in the sleigh ; did not talk of the case coming down from St. Sylvester, for we had no opportunity ; he was summoned in town (Mr. O'Farrell suggested the answer) ; it was last week ; he was summoned again to-day ; he did not know where the first subpoena was.

Mr. O'FARRELL would not have that evidence put the witness out. It had been ruled that collateral evidence was not admissible. He wanted an end to all this.

The Court saw that the question might be material, and it was sufficient for the question to be put.

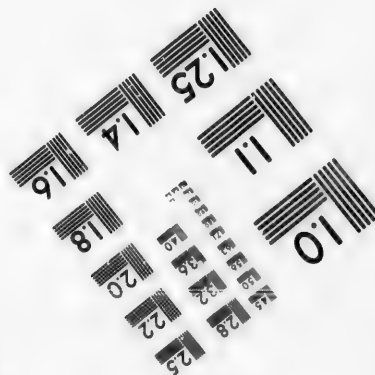
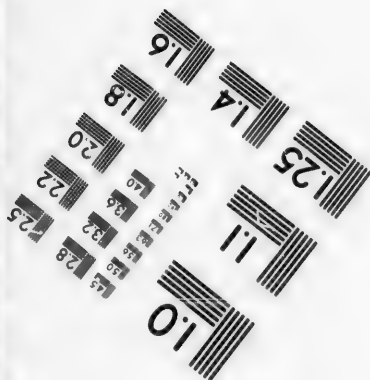
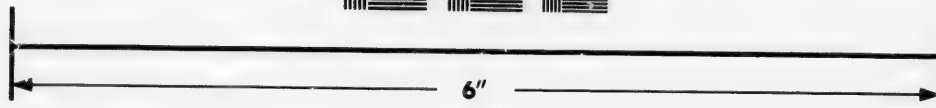
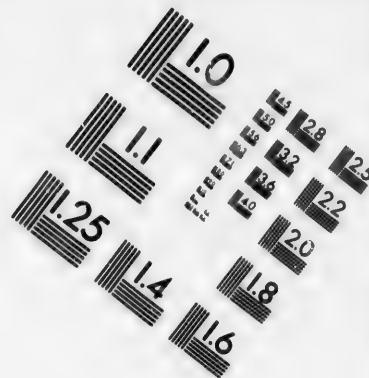
Witness thinks he got his first subpoena four or five days ago ; he got four or five subpoenas ; the first was received by witness five or six days ago ; witness could not tell how long he had been in town ; he was in Court every day until Adams was examined ; witness was in that box (the grand jury box) when they were examining Adams, but was ordered out of it.

Mr. Ross desired the permission of the Court to communicate with Adams himself, and that the witness should remain in the box, as he might have questions to put to him ; first, he wanted to have James Donaghue's evidence expunged.

By Mr. Ross (who had returned to Court).—Adams told me positively that he would not and could not swear against Richard Kelly.

Mr. Ross.—Donaghue has been in Court, having been kept there by the defence ; his evidence should be expunged.





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THE COURT.—A witness who is present in Court is not to be rejected. The practice in England is, not to affect the case of a prisoner on account of the infraction of the orders of the Court by a witness ; it is the rule to punish a witness ; the witness in this instance was properly in Court, until ordered out of it. He went out after Adams' testimony had been given. A person in the dock cannot be made to suffer for the negligence of his agent.

PATRICK DONAGHUE (winking Pat), a kind of a farmer at St. Sylvester, sworn.—By **Mr. O'FARRELL.**—Knew Richard Stuart ; the Sunday after Corrigan's death he called at the old gentleman's house. This Richard Stuart came in—says he. "I should," says he—"I hope," says he. "that every one of their necks 'll be stretched for this deed ; and they will," he says, "if I can," or, "if we can ;" witness is not sure which, but believes it was "if we can ;" we considered that Richard Stuart was speaking of those who were accused of the murder of Corrigan. John Hogan of St. Paul's, James Monaghan, Patrick Barrett, and James Wade, were present and heard him.

By **Mr. LELIEVRE.**—Stuart did not name anybody ; the persons accused were mentioned before that in the house—before Stuart went in ; all the men that witness named left when he did ; after the statement was made by Richard Stuart ; Stuart remained ; the man whom they call Richard Stuart's father was in the house, but it was impossible to say whether he was his father or not ; there were a few more individuals unknown to witness—two women and some others ; this occurred in the afternoon, about 12, or a little after, witness is not sure ; Stuart was not long in the house when he made use of the language before mentioned ; immediately after Stuart had used these expressions witness left the house.

John Hogan, farmer, of St. Paul's, sworn.—Thinks he would know Richard Stuart ; saw Stuart in his father's house, the Sunday after Corrigan died ; he said he "hoped to see their necks stretched for this yet," and "he would if he could ;" Stuart named nobody ; did not know him at the time ; Donaghue, when they went out, told them his name was Richard Stuart ; it was about 11. 12, or 1 o'clock, for witness saw them getting dinner ready ; Patrick Donoghue, James Monaghan, Patrick Barrett, and a man named Wade, and some women were present ; did not hear old Mr. Stuart make any remark ; we left the house shortly after.

Adjourned at a quarter to two for 20 minutes.

On coming into Court the Jury signified that their mind was made up to their verdict. **Mr. O'Donoghue** rose and said : it is unnecessary to produce additional evidence ; we are satisfied.

The Court would not take the verdict then.

Mr. O'FARRELL contended that there was a precedent in the case of Heward, where the Jury gave their verdict even before the prosecution was closed.

Mr. Ross.—I have not yet concluded, and I decidedly object to the verdict being given now.

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JOHN KELLY—Was standing with John Monaghan when the witness Nopper passed us ; Monaghan asked Nopper if it was he who swore against his brother, the prisoner Patrick Monaghan ; Nopper answered he had not ; to fetch him to the Court and he would clear him ; Monaghan did not then make use of any threat to Nopper.

Cross-examined by the Sol. General—Am not a farmer ; have been switchman at the Craig road station of the Richmond railroad for the last six months ; there were several persons present when the conversation above alluded to took place ; is a brother of Kelly, the prisoner at the bar.

Mr. Chabot, on behalf of the prisoners he represented, declared the case for the defence closed.

Mr. Ross desired to bring up evidence in rebuttal.

Mr. Stuart contended that the particular part desired to be proved should be declared now.

The Court ruled that the objection must be made when the witness is in the box.

Mr. Ross called one Stuart, but intimated that he might not be here for a few minutes, as he did not expect the defence to be closed so soon.

Mr. Justice Duval—Call another.

Mr. Ross—Any one of them will do.

Mr. O'Farrell—The Sol. General remarks that any one of his witnesses will do as well as the other.

Mr. Ross—That is a stupid remark.

Mr. Stuart—This is hardly fair towards my friend, who is a young member of the bar.

Mr. Ross—When people make stupid remarks they must expect a rejoinder—

Mr. Stuart—Equally stupid.

JOHN STUART.—I know Patrick Donaghue—Yankee Pat, as we call him ; I knew Corrigan, who died at McKee's ; I live two lots from McKee's ; Yankee Pat came into my house with three or four other men ; he wanted to buy a colt from me, he said ; it was the only time he came to my house with these three men ; my son was present ; I don't recollect hearing my son make any observation with regard to the persons accused of the murder of Corrigan ; Donaghue said it was a pity that the beating of Corrigan had happened, to put the "neighbours through other ;" I heard no one speaking of stringing any person's neck, on that occasion ; if it had been said I should have heard it ; I don't remember whether Montgomery was there or not.

Cross-examined by **Mr. Stuart**.—I have been 26 days in town ; I never said since I have been here, that until the McCaffreys and the Kellys were hanged there would be no peace in the county.

RICHARD STUART recalled.—Knows Patrick Donaghue ; was there when he was present in witness' father's house ; it was the Sunday after Corrigan died, he thinks ; it was between one and two o'clock ; there was a conversation about buying a horse.

Mrs. Stuart was not there at first.

A question about the nature of the conversation which subsequently took place was disallowed.

Jean Baptiste Nopper was recalled.

Sent out again.

Mr. O'Farrell to some one in Court—"Keep your eye on that fellow."

Mr. Ross desired to recall Stuart, to ascertain from him whether or not a bribe had been offered to him in consideration of abstaining from giving evidence.

The Court.—No, no; that's too general. The prisoners' case cannot be affected by what has been done by any one acting as agent for the prisoners. There cannot be two opinions on the subject.

Mr. Justice Caron.—It might have been done by a stranger without their connivance.

Jean Baptiste Nopper (again in the dock.)

Mr. Stuart.—Will the Court be permitted to produce new facts in refutation?

The Court.—What is the question?

Mr. Ross wanted to know what conversation witness had had with Kelly.

The Court.—You have a right to ascertain the conversation with Kelly; but, of course, won't say anything about that with Monaghan.

The witness was withdrawn.

Thomas Adams (before called Adamson) recalled.—Came to town with James Donaghue and one Fitzpatrick; has not been living with them since he came to Quebec.

Mr. Ross asked for the permission of the Court to look over the evidence, that his learned friend, Mr. Lelievre, who had not been present at the opening, might have an opportunity of preparing himself.

Mr. Justice Duval was not aware that such a thing had ever been done.

Mr. Stuart.—In England a trial had been commenced at two o'clock in the morning.

Mr. Lelievre then rose and addressed the Court and the Jury. He spoke against time.

At a quarter past five, one of the Jurors, Mr. Gauvreau, obtained permission to leave the box, and a few minutes after it was reported that he was sick. Dr. Fremont was sent for, and coming into Court, was sworn, and requested to intimate to the Court, as soon as possible, the condition of the Juror.

Dr. Fremont reported that the Juror was afflicted with a neuralgic affection of the head that might last for two or three hours, and he did not think that he would be able to attend to his duties until the morning.

The Court then adjourned until ten to-morrow morning.

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QUEBEC, February 16th, 1856.

MR. STUART--Would it discharge his duty were two Counsel permitted to address the jury without remonstrance. During the presidency of this Court, both by Mr. Chief Justice Sewell and Mr. Chief Justice Stuart, only an address from one Counsel had been allowed. The learned gentleman who had addressed the Jury in French was quite competent to repeat what he had said in English.

THE COURT--However desirable it might be that the same gentleman should address the Jury in both languages, it was not for the Court to say, in this case, that Mr. Lelievre should repeat his speech. In this country where two languages are spoken, it is customary to allow one Counsel to address in French and another in English.

MR. ROSS--It has been confirmed by the Courts of England that even five Counsel may address the Jury.

MR. STUART--That is for the defence.

MR. JUSTICE CARON--As it has been expressed by my honorable brother, there is no difference between one and two. Why should Mr. Ross not be permitted to address the Jury?

MR. SOL. GENERAL ROSS--May it please the Court--

Gentlemen of the Jury,--I would have been glad to have been relieved from the trouble of addressing you; but the French Jurors only have been addressed, and I have an important duty to perform, and cannot, therefore, shrink from the obligation of making a few remarks, in English, on this long standing trial. The prisoners at the bar are charged with the crime of murder. It is not necessary to go into particulars as to what constitutes that crime; but it is a mistake to suppose that depriving a human being of life is not murder, if committed by seven persons, as far as those seven persons are concerned, the death wound having been inflicted by only one person. All who are directly accessory to murder, although the death wound is only given by one person, are equally guilty with him who gave the fatal blow. I pray your attention to this; it is a question of law. You will receive the Court's version of what the law is, and if what I now state passes without observation, you may take it for granted that what I say is correct. Even if the wound which deprived Corrigan of life had been inflicted by a person not on his trial here, the prisoners at the bar, as accomplices, would still be all equally guilty of murder. It is consistent with common sense and strict justice. What is it to you, if one man only inflicted the death wound? You must be guided by the laws, which say that no man must commit an unlawful act. Something has been said about intentions. No one, it has been alleged, can suppose that, when the prisoners at the bar assaulted Corrigan, they intended murder. They, however, slew him. Had the intention only been to have given him a thrashing, there would be no difference; the termi-

nation was an unlawful act. You are not to be misled by any of these notions. If the prisoners at the bar had gone to Corrigan's house, entered his bed-chamber, and plunged a deadly weapon into his heart, there would have been no difference—the one case is as much murder as the other. The law draws broad distinctions. You have heard a great deal about the science of medical jurisprudence in connection with this matter. It has been insinuated that the wound inflicted on Corrigan was not mortal *per se*. That doctrine is erroneous. Even if a wound, supposed to be curable, is intentionally inflicted, and if, by neglect or want of medicine, a man dies, it is still murder; there is no distinction.—Though death should be caused by neglect, want of skill, or the omission of proper remedies, murder it would still be. If a wound should be given, which is not at all in itself dangerous, a man may die by the neglect or unskilfulness of the physician. But there could have been no such contingency in this case. The wound inflicted upon Corrigan was not of the nature of a wound which not being mortal is made so by the administration of deleterious matter. Corrigan was mortally wounded. It is in vain to say in extenuation; there was no malice. The law presumes malice; the act proves the intention. The law supposes a man intended to do that which he did do. A man must show by the circumstances that there was no premeditation of evil. In this case it is for the prisoners to show that what they have done was done under extenuating circumstances, and that, although Corrigan was killed, he was not murdered. The intention may be ascertained from proof—may be inferred from the circumstances in connection with the act. Now what did Corrigan do to bring down upon him that violence which resulted in his death? His offence consisted in saying, "I will not judge any more." Look at the matter, gentlemen; you have to weigh it in your minds. You have to ascertain whether or no the assault upon Corrigan was an accident. The rapidity of the act, together with the combination of action, shows that Corrigan's death was not accidentally caused. I am quite sure the honorable Judge will explain this to you more explicitly. I have no doubt as to the guilt of the prisoners at the bar as regards the crime of murder. But, putting the suppositions case, with reference to your power to bring in a verdict, you can, according to circumstances, bring in a verdict either of murder, manslaughter or assault; that one has committed murder, that others have been guilty of assault, or that only one, two, or three, have been guilty of manslaughter—that they have all been only guilty of manslaughter; and if you are of opinion that none of the prisoners are guilty of any of those crimes, then they must all go free. I come now to an important part of my duty, and that is the evidence. With regard to that, it is necessary to remove all doubts from your minds. If there is anything to shake your belief in the evidence submitted, it is not my duty to press a verdict. I will go into it to show what has

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been conclusively established against Kelly. The first evidence is that of Edward McKee. He says that Kelly went up to Corrigan and said—"Did you throw a stone?" that Corrigan replied—"No, I threw no stone;" that Kelly then knocked Corrigan down, and while he was on the ground, kicked him on the abdomen with his feet. I hold Kelly to be the principal culprit. I will now refer to the evidence of Demers. Demers recognised none of the prisoners in the crowd but Kelly. Mary McKee says she saw Corrigan standing without his hat; that the prisoner with the red muffler struck Corrigan, knocked him down and jumped upon him, when she leaped over the fence, and running forward, exclaimed—"My God! murder! is there no one to save the man?" That Kelly then stepped forward and gave deceased a kick in the left side; that deceased said—"Oh! Kelly, let me lie down for God's sake," and that Kelly said—"It is good for you." Mr. Woodward says that Machell's house was full of people and that he recognised Kelly, Pat O'Neill and Pat. Donaghue in the same crowd rushing up to Machell's. Nopper, too, speaks of Kelly. Kelly struck the deceased on the head with a stick, jumped on his body and commenced kicking him on the side. The same witness goes on to say—O'Neill and Monaghan struck deceased with a stick three inches thick, and that Kelly struck Corrigan after Pat. Donaghue gave the first blow. The witness Lowry also speaks of Kelly: he says, too, that Pat. Donaghue gave Corrigan a blow with his knee; that when Corrigan was lying partly on his back, he called out—"You have killed me—are you going to murder me?" when some one said—"By Jesus Christ! let's kill him out." Kelly then said, Come along: when Corrigan said "My belly is burst—I'll never recover." Craigie, in his testimony, says that Kelly kicked Corrigan in the bottom; that he never saw Kelly before the day of the cattle show, but that Kelly came up and shook hands with people who called him "Mr. Kelly. The witness Dion says that Kelly told him, early in the morning, that he would not leave the ground without fighting; he says that if Kelly had done anything that he would have seen him, and he speaks doubtfully as to Nopper's evidence, but has no doubt whatever of the fact of his being there. Peter Simpson establishes the fact of Corrigan's lying on the ground, and of Kelly having jumped upon him. Mark Ellison says that Corrigan was standing up for a short time, when Kelly came up and struck him in the face with his fist; that Corrigan then stooped down and Kelly struck him on the head with a stick. Another witness says that Kelly came forward in a kind of run, struck Corrigan on the breast with his fist, and afterwards kicked him on the sides and belly. Richard Stuart heard Kelly say that Corrigan deserved all he got. McKutcheon testifies that Kelly said, You have got what you deserved. George King speaks of Kelly—Corrigan said,—let me lie down and die; and Kelly said,—“You God damned buggar, you have not got half enough; I will give you more.” Another

witness says, while Corrigan was on the broad of his back, Kelly jumped upon him, and gave a "hop" upon his belly. Eusebe Drouin observed Corrigan get up when he was struck by a man, the man who struck him being Richard Kelly; he also saw Kelly strike Corrigan with his fist. Mullavy saw a man strike Corrigan. Nineteen witnesses, indeed, saw Kelly commit assault; and one man observed Kelly "hop upon Corrigan's belly;" and yet it has been attempted to be shown that Kelly came there to save Corrigan, and had no participation in the row. I cannot imagine that there is a doubt about the matter. There is corroborative testimony in the dying declaration of Corrigan. In his last moments, Corrigan said that Kelly was the man. You have no doubt about it. You know that Kelly was there as well as you know that there was a Show; you know it as well as that you know Corrigan is deceased, or that the sun shines at noon. Any one possessed of an understanding above that of an imbecile knows the fact. I will not dwell upon it, but proceed to the others. It would be tedious to recapitulate the evidence, as the Judges will go over it all; but I may state that Patrick Donaghue is mentioned as having been present by ten witnesses, and that O'Neill is mentioned by ten witnesses as having been present. There cannot be a doubt that Kelly was present and that he inflicted the mortal wound. I must again take up your time with a few observations upon the evidence, with the view of discharging a very important duty. Corrigan, at a time when he was required to throw all worldly things out of his mind—when the hand of death was upon him, said that Kelly inflicted the wounds which killed him: that Kelly had ruptured his bowels. Corrigan could not speak falsely. But, to show Kelly's complicity in the murder of Corrigan, there is the affair at Machell's house; Patrick Donaghue boasts that his hands are reeking with blood and seeks for more, and Kelly remonstrates with that man; Kelly felt that already there was blood enough on his head. He said to Donaghue, "We've done enough," and the reply was, "We will obey your orders and we'll go." Is it to be supposed that Kelly was not in the fight and not the principal actor in this murder. The Crown examination points to Kelly as the man; the rest of the prisoners are looked upon with indifference; the great object is to set free the chief actor in this sad drama; Patrick Donaghue commenced the assault, and it was premeditated. Now, with respect to premeditation, it may be mentioned that there have been several attempts to destroy Nopper's evidence. There were two Hopkins at the Show, and it is endeavoured to be shown that one Matthew Hopkins could not be there, because he went away. You saw how the witness to prove the alibi broke down; you recollect how Ann McCluskey answered first "Yes," and then "No." It has been attempted to show that there was no premeditation in this case, but that it began with the remark of McCaffrey, "I'm damn'd if I'll stand such judging." Corrigan said nothing

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to cause a row. He said he would leave the judgment to Durkin, and Durkin decided as Corrigan had. If there had been anything like passion or insult, one could suppose a cause for a row. There was nothing of the kind. Exercise your own understandings: look back upon your own experience. Corrigan is struck without any cause of offence; knocked down; kicked and trampled upon. Compare that with the chain of evidence for the defence. I have never seen a greater failure in the shape of a defence. The similarity of the testimony was at once amazingly and painfully striking, and in wonderful contrast with the varying accounts of the testimony for the prosecution—the sure test of truth. When a story is made up, a man begins thus: "A young man was there, an old friend, and this old friend slaps Corrigan on the back, offers a word of advice and says: "Why don't you judge the people's sheep, you know that it is right to do so;" when Corrigan pushes with his left hand, and they get into 'houlds,' and they 'clinch,' and they fall, and they struggle, and the young boy, notwithstanding Corrigan's acknowledged strength, keeps uppermost; and at last they all roll down a hill, and the crowd closes in, and Peter Stockings throws a stone which hits Corrigan in the belly, and makes him cry "oh!" And then Richard Kelly rushes in, and the crowd rushes out, and they all call Terry Burns and Michael Kelly, and Terry Burns takes Corrigan away, who will not be taken off the field a coward; and then they hear that Corrigan dies, and that nobody killed him—that the thing did not happen at all, but that Corrigan was poisoned by doctor's medicine given by his clergyman—and that's all! Now, supposing that the row had begun in that way, the killing of Corrigan would have been yet murder. But it is obvious that it did not. The absurdity of the story is manifest, inasmuch as the "boy" is spirited away, and a stone makes its way through the legs of a dense crowd—so dense as to exclude the body of Corrigan from view—falls upon Corrigan's belly, and kills him as dead as if he had been stabbed by a bowie knife, or shot dead by a revolver! There is not a man among you who does not see the absurdity of this concoction.—There is one man connected with the death of Corrigan who is not in the box, and that man is Hagan. His day is to come. He is proved to have given the last blow. This is clear; but nobody cares; he is not here. Monaghan, who is here, is mentioned as having been one of the assailants of Corrigan by five witnesses, and McCaffrey by five. The evidences against McCaffrey are the least in number, but still quite enough to prove his complicity. Whether he had an evil design or not, and although ignorant of the previous meeting, he was an actor in the affair, and is therefore a participator in the death of Corrigan; and it is the same thing as regards criminality, whether he gave one blow or twenty. The mob which surrounded Corrigan encouraged the assailants. There was no protection offered to him except by Stockings. An innocent man

would have surrendered with the view of being acquitted of participation in any crime of which he is accused. If a man runs away, there is a presumption of his guilt: it adds to the other facts in the case. There could be no doubt that Corrigan was beaten to death. The prisoners only surrendered when they were told that it would be shown that Corrigan died by poison. Gentlemen, there seems to be some reliance upon you that you will acquit the prisoners. I have no such belief. I could not for a moment entertain the idea that you would be guilty of such baseness. One of the counsel for the defence must have an extraordinary idea of your understandings if he could have supposed that you would believe that Corrigan received a blow from a stone thrown by Stockings. I will show the absurdity and the boldness of the evidence to establish that as a fact. Corrigan was surrounded by a dense crowd: how was it possible that a stone could have reached him through such a mass of people? You are supposed to be imbecile—to have just stepped out of your cradles: you are required to swallow things that would not be swallowed by an infant. The effect of the whole weight of a man hopping upon another man's belly, is conceivable in one case; the story of the stone throwing is an absurdity. If there had been a real, a sound defence, you would not have been treated as children, as babes, or as old women. There is not one among you who supposes that the death of Corrigan occurred naturally. The manner of death is clearly described by Nopper, against whom the whole fire of the defence has been directed. It has been attempted to discredit his testimony. Now, what could Nopper expect to gain by giving false testimony? Can you suppose that the public authorities would bribe people to swear away the lives of seven innocent men? Such a thing is too monstrous to be for a moment entertained. And if Nopper should come voluntarily, or on being sent for, he could have no interest in swearing falsely. He lives among the prisoners. He tells you that at Leeds he was afraid to tell all he knew, and whether he was afraid or not I cannot tell. If in one particular fact he has committed perjury, there is other evidence sufficient without his evidence at all. But a mistake or an error is not perjury. As long as there are nineteen other witnesses to prove that what Nopper says is true, how can it be said that his evidence is untrue? It is out of the question to suppose that you are not to give him full credence when his evidence is corroborated. Even if he were a felon, with such corroboration his evidence would be entitled to credit. Put him altogether aside, and you have other testimony. If Adams were flighty about his oath, and ignorant of his catechism, and did not know what answer to give as to the nature of an oath, he may be looked upon as ignorant in one sense; but when he tells you, with regard to false swearing, about going to hell any way, you have a pretty correct idea of the lad's sense of the obligations of an oath. He was an awkward witness, and if

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you choose you may reject his testimony ; but even then there is abundant evidence to satisfy you. The deed was done in open day. It was seen by all who were present. Then there is no room for even the shadow of a doubt as to the guilty parties. You have been told that it is a serious thing to consign a man to death who may be innocent. And so it is ; but it is also a serious thing to suffer the obviously guilty to escape all punishment. The law must be vindicated for the sake of order. In my opening address you have been told I alluded to two parties. I did so. There is one great and respectable party, which may be called the party of order ; and there is another small party of malefactors, who expect a verdict of acquittal against all evidence, and who call upon jurors to violate their oaths. I contrasted the conduct of jurors who should do so with the conduct of English juries ; and what other contrast could I make. It was not to insult you ; but to hold up honesty for your imitation, so that you might do your duty to your country and to your God, and be without fear and without reproach. Some of you, perhaps, were never in a jury box before. If in this case there are any rational doubts in your minds as to the guilt of the prisoners, or any one of them, set them free, or such of them as may not be, in your opinion, guilty of the serious crime attributed to them. You must be convinced of guilt before you render a verdict of guilt. But if it that be you have no doubt, then you will do your duty, knowing that on your verdict much will depend. If juries will not do their duty, all must suffer equally ; but bear this in mind, the responsibility will be equal.

MR. JUDGE.—Gentlemen of the Jury,—(The learned Judge went on to read the whole of the evidence in French, and remarked upon it, saying no importance to the testimony for the defence, and then in English,—It is necessary to address a few words to you in English. I regret, gentlemen, to have heard of parties in connection with this trial. You are not to be guided or influenced by such considerations. You are responsible to God and your country. It is not the spirit of firebrands, to stir up acrimony to further their ends—ends which may succeed for a day—that is to guide you in the discharge of your important duty ; but that regard for truth and justice which is inherent in honest men. Every intelligent man knows that justice must be done.—What has religion or nationality to do with this matter ? If the prisoners at the bar are guilty of the crime imputed to them, they ought to be punished, and if they are innocent, they ought to be set free. I hope this is the last time I shall ever hear it mentioned that differences of religion or race can influence the course of justice. Jurors, in crimes like this, have ever done their duty in Canada, although, in other crimes, political feeling may exist, as it does in other parts of the world. This unfortunate row did not originate in religious feeling or in national antipathy. You have seen the cause of it. McCaffrey had two sheep at the

Agricultural Show, and Durkin told McCaffrey that they were only entitled to a second prize. McCaffrey took offence and spoke to Corrigan, who referred him to Durkin. It was then that McCaffrey said, "I'm damned if I'll have such judging." All know how a fight is got up in a crowd, and the victim of this fight was Corrigan. With respect to the question, "Has there been a murder?" the interests of justice require that I should speak out to you. No doubt there has been a foul murder committed, under circumstances of brutality seldom or ever heard of, even, in Canada. Here is a poor man who insults no one, set upon by from twenty to thirty persons, trampled upon, beaten with sticks, and who, one minute before this, was, as the doctors testify, in perfect health—a man of great bodily strength. The next question to be considered is, has this crime been committed by the whole of the prisoners, by a part, by which part, or if any one man has done it. I doubt not you will not shrink from your duty. The punishment of crime will come from a higher order—the law—that which protects us from the bowie knife and revolver, sticking and shooting, as they do in other parts. In examining the evidence, your attention will be called to certain discrepancies.—Now, every discrepancy in evidence is not certainly a contradiction. You may have confidence in their testimony from that very fact, as all do not see alike or hear alike anywhere. When the witnesses for the defence entered, there was something to create a suspicion that they had entered the witness box with pre-concerted stories. The differences of tale as to the witnesses for the prosecution, only showed that they had not conversed with each other; and this is to be borne in mind, negative testimony does not destroy positive testimony. There might be some doubt with two persons standing at that table, when one affirms a fact and the other denies it; but such negatives have no force at all in connection with portions of a story. A man who has not seen may be a perfectly honest man, and give the truth and the whole truth which he has to give. Still, that kind of (not seeing) evidence is not to be considered of equal force with affirmative testimony. There is another point to which I am desirous of drawing your attention, and that is as to the identification of persons. One witness recognizes the person that jumped upon Corrigan, and some tell you that they never saw that person.—Persons not experienced would tell you that there could be no mistake. This is not correct, however. Personal identity is not unattended with difficulty. (The learned judge cited from the books some instances, one being where two persons were placed in the dock, so perfectly alike that the recognition of which was which was impossible.) In a fight, such as this, a witness may make a mistake, as Mrs. Woodward—who gave her evidence without any intention to deceive—did. There is the probability for error, and it is for you to exercise your reason with regard to correctness—where two statements apparently conflicting are honestly

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made, as to which of them is to be believed. A dying declaration has been laid before you; such declarations are limited to cases of murder; they are to be received with caution. If this had been the deposition of Corrigan, in the witness box, he would have been open to cross-examination, and would have been required to explain positively whether or not it was the prisoner at the bar to whom he referred. When Corrigan made his declaration there were McKee, Stuart and Reed present in the room. Deceased did not state a matter of fact in saying "I have not altered my mind;" there should have been a distinct affirmative or negative—positively "yes" or "no." But now comes the evidence of Dr. Reed, though here, again, more doubt is created. You have heard, over and over again, that the room was a very small one. It is not pretended that the answer was a different one; yet Dr. Reed does not give it the same as McKee, the reason being that the other two persons were nearer than himself. Nor does Stuart give it the same way, and his reason for not giving it as the others did, is not the same as Dr. Reed's. I will, with these remarks, place the matter in your hands, and, as you think, so will you pronounce. Seven of your fellow-countrymen await your verdict. Retire, then, gentlemen; call to your recollection the terms of expression; weigh well, and if there be a contradiction, see who is more worthy of credit. If you have a doubt, give the benefit of it to the prisoners. You may give what in Scotland is called "not proven," which in this country amounts to not guilty.

The Jury retired at half past five, p.m., and not returning into Court at six, the Court was adjourned until Monday morning at nine o'clock.

THE VERDICT.

QUEBEC, 18th February, 1856.

The Hall was well filled with spectators for some time before the hour at which it was announced the Court would meet, and the Jury took their seats in the box exactly at half-past nine o'clock.

Mr. Justice Duval and Mr. Justice Caron having come in,

The Clerk of the Crown called over the names of the Jurors, and, amid great silence, put the question,

Gentlemen of the Jury, are you agreed upon your verdict?

Several of the Jurors—Yes—Not Guilty.

Judge Duval—Answer the question put first.

Clerk—Gentlemen are you agreed upon your verdict?

Several of the Jury—Yes.

Clerk—Look upon the prisoners at the bar, Richard Kelly, how say you, is he guilty or not guilty?

Several of the Jury together—NOT GUILTY.

Clerk—As to George Bannon?

Jury—NOT GUILTY.

The same question was put as to all the other prisoners, and the Jury answered NOT GUILTY. The questions were also repeated in French, and answered in like manner.

The Clerk—Gentlemen of the Jury, hearken to your verdict, such as the Court records the same, you say you are agreed upon your verdict, and that the prisoners at the bar, Richard Kelly, George Bannon, Patrick Donaghue, Patrick Monaghan, Patrick O'Neill, Francis Donaghue, and John McCaffrey are NOT GUILTY of the felony and murder whereof they stand indicted, in manner and form as they thereof stand indicted, and so you say all?

Jury—Yes.

The Jury were then discharged.

A motion made for the discharge of the prisoners was granted, and as they left the bar they said, addressing the Bench, "Thank your noble Honors."

When they got out of the dock, there was much applause and shouting by parties in the corridors, who escorted them to the front of the Court House. Here the friends of the accused congratulated them on the verdict, and manifested much satisfaction at the result of the trial.

Mr. O'Farrell came out of the Court building and addressed the crowd from the steps. He said that thanks to an honest Jury, an impartial Judge, and the zeal of their Advocates, the accused had that day achieved a triumph, and he hoped they would not sully it by insulting any one. They might go to the residences of the gentlemen who had pleaded for them during the past fortnight and express their thanks; but there ought to be no violence,—they were victors and could afford to be generous.

The crowd, headed by the accused, then proceeded to the residences of the several Counsel for the defence, and afterwards to the Lower Town, where the mob procured banners, and marched in triumph through some of the streets.

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OPINIONS OF THE PRESS.

HONESTY IS THE BEST POLICY.

[From the Quebec Gazette, 9th February, 1856.]

Such is the judicial appreciation in Lower Canada, of the sanctity of an oath, that the public journals are required not to publish evidence given in open court, lest witnesses might learn what they had never known, and retail as that which they had seen circumstances which had not occurred. It is alleged that if the press give to the public that which, it is not denied, the public ought to know, the ends of public justice are defeated. It is alleged that a person may swear to facts which another person may have forgotten, and that it is improper to enable a witness to recollect the truth. The very object which all courts have in view, in judging of guilt or innocence—"the whole truth and nothing but the truth"—is, in the opinion of the Courts of Superior Criminal Jurisdiction in Lower Canada, dangerous.—It is dangerous to know the truth—dangerous to state it. The spirit of party is so potent that the judgment seat panders to it; the spirit of intolerance is so all-powerful that the judgment seat bows in submission to it; and the spirit of wrath is, in consequence, abroad like a living flame, luring men to destruction—a flame burning even in the bush, "*nec tamen consumebatur.*" We had innocently supposed that the law of England required that persons accused of crime should be tried openly—in the field even; and that order being only maintained, rich and poor, high and low, might be able to perceive in what manner the law was administered. But it seems there are to this, as to every general rule, exceptions. The Judges have on some occasions arrogated to themselves the right of

determining whether crime shall be tried secretly or tried openly, and so a precedent has been formed. As for the correctness of the principle involved in the *Queen versus Thistlewood*, cited by the ermined dignitaries of this province, as an excuse for the prohibition of the publication of evidence when it suits them to give a coloring to facts and evidence, and which they would fain conceal from the public eye—which they would fain limit to the four walls of a court room filled with partizans, and to whose prejudices the weakness, the timidity of a court may delight to pander—the correctness of the principle of packing a jury, as in the case of the *Queen vs. O'Connell* might as well be cited. The Judges had, in the first instance, no right whatever to interdict the publication of the evidence. It was a violation of the spirit of English law, if trial by jury is properly interpreted. It was a usurpation—an encroachment upon freedom of discussion—extenuated only on the plea of public justice, and being a bad precedent, is more observed here than in the larger towns of the United Kingdom of Great Britain and Ireland. There is not a trial which takes place in England, in Scotland, or in Ireland, at the present day, in which the evidence is not published *de die in diem*. And why is it not so here? It is because justice is blind, and deaf and dumb. There possibly never was a more atrocious case of manslaughter or one more clearly proved—the jury are locked up and the statement cannot affect their verdict—nor one more revolting in its details of treachery, cowardice, hate, and brutality than the trial now going on before the Court of Queen's Bench, and yet there are sneers and laughter in Court at the success of some petty quibble, as seems to affect the minds of those sworn to give a verdict according to the evidence and not according to their prejudices.—A case so clear, so fully proven, never was laid before a jury, and knowing this we anxiously look forward ten days hence to the charge of the presiding Judge for justice, and to the jury for an honest verdict.

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CORRIGAN.

(From the *Quebec Gazette* Feby. 16th, 1856.)

"Oh yea! oh! yea, all manner of men who have anything further to do at this Her Majesty's Court of Queen's Bench come forward and give your attendance and you shall be heard—"God save the Queen."
—*Opening speech of the crier of the Court.*

THE trial of the murderers of Robert Corrigan at St. Sylvester is now drawing to a close.—What the verdict will be no one knows. We have a glimmering of hope left with regard to it, and no more. Yet, what the verdict should be, no one can conceal from himself. The deed of murder was done in open day, like the murder of Archbishop Sharpe, of St. Andrews, upon Magus Muir. There were present besides the fiends in human shape, who trod upon a fallen man as they would upon a toad, men of the same creed as themselves, and not so ignorant even of their hellish language as not to be able to see with their eyes and hear with their ears; not even so infatuated and so superstitiously ignorant or cowardly as not to be able to repeat on oath what they had heard. A woman, with that peculiar fortitude which distinguishes the sex and has produced a Grace Darling, a Miss Sharpe, and a Miss Nightingale, was unexpectedly present at the horrible slaughter.—"Oh! my God, my God," cried Mrs. Woodward, "you are murdering the man—murder! murder!! murder!!!" And there was no male voice but one to heed both the alarm and rebuke, and that one, now absent, confident in his integrity, chased away from his home by the assassins of Corrigan, is charged with the murder of his friend by the Counsel for the prisoners. Considering the stigma which attached itself to the moral reputation of one of the most talented and distinguished lawyers that ever practised at the English Bar, Mr. Serjeant Philips, for the base attempt made by him to shift the murder of Lord William Russell from the actual murderer, Courvoisier, upon another of Lord William's servants, whom the learned Serjeant knew to be entirely innocent, we could not have conceived it possible that such men as Andrew Stuart and Charles Alleyn could have lent themselves to the base expedient of

their confrere, Mr. O'Farrell, to fasten Corrigan's death in the first place upon the Rev. Mr. King, and when the clear, manly, straightforward and learned testimony of Dr. Fremont destroyed every vestige of hope as regarded the cause of death, in the second place to endeavour to cram down the throats of a jury that the wound which proved fatal to Corrigan was not inflicted by the brute who "hopped" upon him while he lay senseless on the ground, but by the very man who, at the peril of his own life rushed in among an excited crowd and obtained the only reward which a pack of scoundrels and cowards could bestow. We can understand the process of inflaming ignorant minds by appealing to prejudices. We can understand the propriety of assisting a prisoner to escape by any means approaching to honorable means. We can understand the business feeling which prompts a lawyer to take advantage of some technical inaccuracy to set his client free; but we cannot and do not understand the prostitution of truth and justice to such a base purpose. If there has been anything neglected which the law requires to be done, in the case of the prisoners on trial for the murder of Corrigan, by all means let proceedings be stayed. If there be really a doubt in the minds of the learned Counsel themselves as to the cause of death and as to the complicity of the accused, the accused should in fairness be set free. But if there is no room for doubt—if it be clear that Corrigan was not poisoned by the Rev. Mr. King, as it is—death being inevitable on the escape of fæcal matter into the cavity of the abdomen—if it be self-evident that the man who went to rescue Corrigan could not have killed him—why resort to the abominable stratagem of causing men to swear falsely by cramming them with testimony concerning the manner of death of the "said" Corrigan. The evidence for the defence staggers us by its very baseness. We have never looked upon such a gross perversion of justice as has been exhibited in this case. Witnesses have been ordered out of Court only to be instructed when their memories were defective, while winking Pat and Blinking Terry have been employed to describe the

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physical features of a row. Had the Court possessed half the capacity or half the dignity of the late Sir James Stuart, such scenes would not have been tolerated in a Court of Justice as those we have felt it our duty to remark upon. It is no wonder that the presence of a reporter was so offensive to the Counsel for the defence. It is no wonder that the *Montreal Herald* and the *Quebec Gazette* have been complained of. They endeavoured to do justice ; and the stand taken by the prisoners was—"Justice is blind."

(From the *Quebec Gazette* of 19th February.)

The murderers of Robert Corrigan are free. While we write a multitude of malefactors parade the streets, with flags, banners and paraphernalia, shouting aloud that they have gained a victory. They have gained a victory. Truth has been prostituted—justice is ignored—the murderers of Robert Corrigan may trample to death whom they please. Oh ! yea, oh ! yea, oh ! yea. The trial of Kelly, who burst the bowels of Corrigan asunder, is at an end. Mr. Justice Duval has opened the doors of the dungeon, and, amidst roars of laughter, set a villain at large to indulge his ferocious passions at will. We have never witnessed such a mockery of justice as the trial of the murderers of Robert Corrigan has been. From the commencement it was evident that the incompetent Judges who presided at the trial had prejudged the case. Mr. Justice Duval sympathised with the prisoners at the bar, and played into the hands of that contemptible pettifogger, O'Farrell.—He capped the climax by his charge to the jury. The charge was a misdirection. He mis-stated the evidence. He alleged that there was a fight. He said that Corrigan was killed in a row which had spontaneously arisen. He accepted the evidence of Dr. Reed, who had not examined Corrigan's remains, in preference to that of Dr. Fremont, who had done so. He pretended to mete out justice impartially while he had placed at the disposal of the meanest and most disreputable

of pettifoggers his own notes. In Mr. Justice Duval's address to the Jury, it was pretended that McCaffrey commenced the row. It was insinuated that there was a fight. There was no such thing. Patrick Donaghue struck the first blow; Kelly hopped upon Corrigan. * * * —more in our next. Judge Duval desired that a verdict should be given which the English law does not recognise—more in our next.

(From the Quebec Gazette of 21st February.)

As if it were yesterday we recollect an occasion when a Judge, swaying backwards and forwards, his tongue thickened, his eyes red, and his understanding confused, commented in a manner the most extraordinary upon a verdict in the case of a man who was being tried for murder. It was at night, and the murderer had been most skilfully defended. The advocate for the prisoner exerted himself to make it appear that his client committed murder while irresponsible for his actions. He made it appear that the unhappy man had put an enemy into his mouth which had stolen away his brains. There was evidently no malice in connection with the crime. There was no premeditation of evil, and the evil was unconsciously perpetrated. At ten o'clock at night the Jury came into court, and declared that the prisoner at the bar murdered his wife while laboring under *delirium tremens*. Scarcely were the last words uttered than one of the Judges exclaimed: "*Delir—um tremens*—these are two latin words—Court doesn't undshtand latin; Mishter Clerk, d'rect Shury to retire and bring in proper verdict." The Jury did retire, and returned with a verdict of "not guilty," when the Court lectured the prisoner upon the evils of drunkenness in the most ludicrous terms, and discharged him from custody. The conduct of the Judge who had so far forgotten himself was severely commented upon at the time; but he was looked upon as an irresponsible being and entitled to that indulgence which his situation claimed, although he was a person very unsuited to discharge the important and responsible

functions of a Judge. Society had not suffered very much. The culprit, who, although innocent of the crime of murder, had deprived a human being of life, and was therefore not a proper person to be set at large, might never do wrong again, and had escaped punishment by a mere accident. Such another crime was not likely to be deliberately perpetrated in the hope of such another escape. Drunkenness had resulted in crime, and drunkenness had prevented the punishment of crime. The Judge, perhaps, sympathized with his fellow-being in the dock; but even in discharging him from custody His Honor aped gravity and uttered nonsense solemnly. There remained to the Judge some slight idea of his position. If his sayings and actions were painfully ludicrous, he had no sense of the ludicrous himself. He said that a murder had been committed by a man who, through his own instrumentality, was worse than a brute. "You, Munroe," said he, "have slain wife while you were deprived of reason. Like a wild beast—a lion—a tiger—you committed a murder." We felt sorry for His Honor. We felt sorry for the country which had produced such a judge. We felt sorry for ourselves. It was a humiliating scene. Bad as it was, however, the conduct of that Judge towards that man did not shock us nearly so much as the conduct of Mr. Justice Duval during the whole trial of the murderers of Robt. Corrigan. In the one case a disposition to do right was interfered with by a partial and temporary derangement of the understanding; while in the other the disposition to do right was interfered with by a kind of intellectual derangement, which, while it is partial in its effects, is permanent in its duration. We are far from believing that Mr. Justice Duval would deliberately screen a person whom he believed to be a murderer; but we do believe that Mr. Justice Duval may see murder in natural death, and see no murder in death caused by the violence of a mob under certain circumstances. Mr. Justice Duval is, indeed, incurably afflicted with this kind of insanity. That he is fitted to continue in the discharge of his public functions may, therefore,

be seriously doubted. Years have, doubtless, done something towards the decay of a mind never very strong, and it may be expedient to suffer His Honor to retire with a pension. He is dangerous on the Bench. That the Judge's memory is very defective may be gleaned from the fact that he entirely forgot the evidence of Nopper in the case of the Queen *vs.* Kelly and others, with regard to a preconcerted attack upon the unfortunate Mr. Corrigan, and the whistling and other signals, which were so unwillingly corroborated by the "guessing" Peter Simpson, inasmuch as he declared that the row began through McCaffrey, who was "damned if he would have any more of such judging." McCaffrey assuredly could not, in justice, make use of similar language towards the President, *pro tempore*, of the Court of Queen's Bench. Nor did he. According to the published reports, one of the prisoners in the name of the rest, thanked his noble lawyer on the Bench for the assistance which he had so unexpectedly and gratuitously rendered. In this case it was the prisoners who addressed the Court. In the *delirium tremens* case, the Court ludicrously addressed the prisoner. In the St. Sylvester murder case the Court, in taking evidence, did so in such a manner as to annoy the Solicitor-General and baffle the prosecution, while he lent his own notes night after night, to one of the Attornies of the prisoners. Some of the subordinate officers of the Court unblushingly rendered ready service to the prisoners and ran hither and thither in their interest. The translator was snubbed by the Court when he did not give the evidence to the Jury as Mr. O'Farrell desired that it should be given. The Court put questions to important witnesses with the view of breaking them down in their replies; and the first answer was seldom, if ever, taken down at all. Mr. Solicitor General Ross, who did his duty honorably, and straightfrowardly, and who clearly made out a case of guilt in his exceedingly able summary of the evidence, stood unaided in the Court of Queen's Bench for days. The Court and its constables were arrayed against him. Dunbar Ross in the eye of the law seemed to be a greater criminal than

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Richard Kelly. We can no less emphatically, if less vulgarly, address those words to Mr. Duval which McCaffrey is said to have used towards Corrigan. Mr. Justice Duval has sent home seven malefactors firmly persuaded that murder is not a crime, and in so doing has done an injustice to all who desire to live in the land honestly and peaceably.

(From the Quebec Chronicle of 19th February.)

It is finished,—the St. Sylvester murder trial has terminated, and the last scene of the strange, eventful, and exciting case which has occupied the Court of Queen's Bench since the first of this month, was enacted yesterday morning by the Jury returning a unanimous verdict of acquittal as to all the accused. There were few who did not augur this result from the moment the Jury entered the box, but public indignation is none the less loud because expectations have not been disappointed. Eight of the Jury, at least, openly sympathised with the accused, and those who, it was presumed, did not, suffered themselves to be guided by the dictates of the presiding Judge. This Judge is the same who, from the commencement of the trial, manifested a decided leaning for the prisoners,—who has comported himself with unbecoming levity and want of dignity,—who wrote down the testimony of the witnesses in such a way as to make it lose half its force by substituting his own language for theirs,—who ruled out dying declarations which every lawyer must declare were admissible,—and, who, finally, in his charge slurred over the most material evidence for the prosecution, and particularly emphasised every tittle which was in favor of the accused,—taking care to use stronger language in addressing the French than the other portion of the Jury. His behaviour was the subject of general comment, and was only exceeded by that of the Jury in taking thirty-six hours to deliberate upon their finding after they had already declared they were ready to render a verdict. Those who have read the evidence for the crown in this case know well that the

murder of Corrigan was brought home to one or more of the accused, and that there was little offered in defence or justification of the crime which could change the opinion of any honest man. *Judex damnatur cum nocens absolvitur* is a maxim of law the more applicable in this instance when it is seen that by the connivance of Judges and the corruptness of Juries not only murder may be committed with impunity, but the very murderers themselves are allowed to march in triumph through the streets, exulting in their victory over law and order.

(From the Quebec Mercury of 19th February.)

Atrocious as is the conduct described in the *Gazette*, it falls short of the fact. Judge Duval actually advised Mr. O'Farrell not to put a question which his Honor conceived tended to elicit a fact calculated to injure the case of the prisoners! And, not only this, he suggested replies to the witnesses adverse to the Crown, and positively prevented the elicitation of perjury on the part of one of the witnesses, by reading aloud a grossly inaccurate note, and breaking down the cross-examination of the Solicitor General!

Words cannot describe the open and direct collusion by which the Crown Officer was opposed during the whole trial. Every ten minutes a contempt of court was committed by some one or other in the smiling face of the approving Judge. Remarks were shouted out to instruct witnesses in the doorway so as to suggest replies. Interruptions were offered only that perjurers might have time to collect the thread of their remarks. Insults and threats were offered to honest witnesses. Shouts of laughter, were of frequent occurrence, with cries of "Go it, ye cripples," and applause at the testified words "go on and start the row, and we will follow after." These are facts which our contemporaries might have added with truth to their pungent comments on this iniquitous case.

Let it be known in Upper Canada how justice is done, when British blood is spilt beneath the British standard in Lower Canada.

PROVINCIAL PARLIAMENT.

TORONTO, March 8th, 1856.

Mr. Cameron moved for an Address to the Governor General, praying him to cause to be laid before this House a copy of the Charge of Judge Duval at the Corrigan trial ;—he said that he did so because he could not believe that the Charge, as reported in the newspapers could be correct ; especially, he could not believe that any Judge could lay down as law, that men who acted together for a criminal purpose, if that purpose was pushed, beyond their intent, the murder, were to be exempted from punishment, unless the man could be ascertained who struck the fatal blow.

Mr. Alleyne would concur in the motion ; at the same time he must say that, as one of the Counsellors of the accused, he had urged no such doctrine in their favor, and he was sure the Judge had not laid down the law in that manner.

Mr. Cartier believed every one was astonished at the result of the trial in Quebec, and no one more than himself. Without invading the functions of the Judge or Jury, he would say that it was shocking to think a man had been slaughtered in broad day light, in a public fair, and that the men who so slaughtered him should escape unpunished ; he regarded that as a great public misfortune. At the same time, he declared that the Government was no way in fault for the result, having used every effort to bring the guilty parties to justice. Notwithstanding this, he thought to vote the Address of the Member for Toronto would establish a bad precedent, and that the Government had no right to call on the Judge for his Charge. He must say also that he did not think the newspapers reports were correct. They had been denied by a legal gentleman, a member of the House, and concerned in the trial, and he might announce that he had received a letter from one of the eminent members of the Quebec Bar, Protestant himself and of character above all suspicion, and in that letter it was stated that the Charge of the Judge was severely against the prisoners and that, therefore, he regretted the attacks of the Press on that gentleman.

The House then adjourned.